रजिस्ट्री सं० डी०एल०-33004/94 REGISTERED NO. DL-33004/94

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खंड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

CENTRAL SECRETARIAT LIBRARY
GOVERNMENT OF INDIA

सं० 23] नई दिल्ली, सोमवार, जून 13, 1994/ज्येष्ठ 23, 1916
No. 23] NEW DELHI, MONDAY, JUNE 13, 1994/JYAISTHA 23, 1916

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 13th June, 1994. —

BILL No. 57 OF 1994

A Bill further to amend the Representation of the People Act, 1950 and the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows: —

CHAPTER I

PRELIMINARY

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Second Amendment) Act, 1994.

(*2*) The provisions of this Act (except sections 2 and 3) shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act, and any reference in any provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

CHAPTER II

AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1950

Amendment of section 28.

2. In the Representation of the People Act, 1950 (hereafter in this Chapter referred to as the 1950-Act), in section 28, in sub-section (*2*), after clause (c), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 1st day of January, 1961, namely:— 43 of 1950.

"(*d*) the manner in which identity cards shall be issued and the particulars such cards shall contain;".

Insertion of new section 28A.

3. After section 28 of the 1950-Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 1st day of January, 1981, namely:—

Identity cards for electors in notified constituencies.

'28A. (*1*) **The Election Commission may, with a view to preventing impersonation of electors and facilitating their identification at the time of poll, with the previous approval of the Central Government by notification in the Official Gazette of the State, direct that identity cards shall be issued to electors in any such constituency or part thereof as may be specified in the notification and the identity cards shall be issued in such manner and contain such particulars as may be prescribed.**

(*2*) Any notification issued by the Election Commission, with respect to identity cards referred to in sub-section (*1*), without the previous approval of the Central Government shall be void and inoperative.".

Amendment of section 32.

4. In section 32 of the 1950-Act, in sub-section (*1*), for the words "with fine which may extend to five hundred rupees", the words "with imprisonment for a term which shall not be less than three months but which may extend to two years and with fine" shall be substituted.

CHAPTER III

AMENDMENT OF THE REPRESENTATION OF THE PEOPLE ACT, 1951

Amendment of section 8.

5. In the Representation of the People Act, 1951 (hereinafter in this Chapter referred to as the 1951-Act), in section 8, in sub-section (*1*),— 43 of 1951.

(*a*) in clause (*j*), the word "or" shall be added at the end;

(*b*) after clause (*j*), the following clause shall be inserted, namely:—

"(*k*) section 2 (offence of insulting the Indian National Flag or the Constitution of India) or section 3 (offence of preventing singing of National Anthem) of the Prevention of Insults to National Honour Act, 1971,". 69 of 1971.

Insertion of new section 20B.

6. After section 20A of the 1951-Act, the following section shall be inserted, namely:—

Observers.

'20B. (*1*) **The Election Commission may nominate an Observer who shall be an officer of Government to watch the conduct of election or elections in a constituency or a group of constituencies and to perform such other functions as may be entrusted to him by the Election Commission.**

(*2*) The Observer nominated under sub-section (*1*) shall have the power to direct the returning officer for the constituency or for any of the constituencies for which he has been nominated, to stop the counting of votes at any time before the declaration of the result or not to declare the result if in the opinion of the Observer booth capturing has taken place at a large number of polling stations or at places fixed for the poll or counting of votes or any ballot papers used at a polling station or at a place fixed for the poll are unlawfully taken out of the custody of the returning officer or are accidentally or intentionally destroyed or lost or are damaged or tampered with to such an extent that the result of the poll at that polling station or place cannot be ascertained.

(*3*) Where an Observer has directed the returning officer under this section to stop counting of votes or not to declare the result, the Observer shall forthwith report the matter to the Election Commission and thereupon the Election Commission shall, after taking all material circumstances into account, issue appropriate directions under section 58A or section 64A or section 66.

Explanation.—For the purposes of sub-section (*2*) and sub-section (*3*), "Observer" shall include a Regional Commissioner or any such officer of the Election Commission as has been assigned under this section the duty of watching the conduct of election or elections in a constituency or group of constituencies by the Commission.'.

Amendment of section 29A.

7. In section 29A of the 1951-Act,—

(*i*) in sub-section (*7*), for the proviso, the following proviso shall be substituted, namely:—

"Provided that no association or body shall be registered as a political party under this sub-section,

(*a*) the association or body bears a religious name: or

(*b*) the memorandum or rules and regulations of such association or body do not conform to the provisions of sub-section (*5*).";

(*ii*) for sub-section (*8*), the following sub-section shall be substituted, namely:—

"(*8*) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, an appeal shall lie to the Supreme Court from any decision of the Commission under this section:

Provided that every appeal under this section shall be preferred within a period of thirty days from the date of the decision of the Commission:

Provided further that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the association or body had sufficient cause for not preferring the appeal within such period.".

Insertion of new section 29B.

8. In Part IVA of the 1951-Act, after section 29A, the following section shall be inserted, namely:—

Deregistration of political parties.

'29B. (1) Where,—

(*a*) any political party bears a religious name; or

(*b*) the memorandum or rules and regulations of the political party no longer conform to the provisions of sub-section (5) of section 29A; or

(*c*) the political party promotes, or attempts to promote, on ground of religion, disharmony or feelings of enmity, hatred or ill-will between different religious groups,

its registration as a political party under section 29A shall be liable to be cancelled by an order of the High Court within whose jurisdiction the main office of that political party is situate.

(2) On receipt of a complaint that there is sufficient cause for cancelling the registration of a political party under sub-section (1), the High Court may call upon the political party affected by notice in writing to show cause, within thirty days from the date of the service of such notice, why the registration of the political party should not be cancelled:

Provided that where the High Court is not satisfied that there is sufficient cause for cancelling the registration of the political party, it may summarily reject the complaint.

(3) After considering the cause, if any, shown by the political party, the High Court may, after holding such inquiry as it may deem fit and after calling for such information as it may consider necessary from the political party, decide whether or not there is sufficient cause for cancelling the registration and make such order as it may deem fit either dismissing the complaint or cancelling the registration of the political party.

(4) No complaint under sub-section (2) shall lie to the High Court on the ground specified in clause (*a*) of sub-section (1), if the political party changes its religious name within a period of ninety days from the date of commencement of this section.

(5) Notwithstanding anything contained in any other provision of this Act or in any other law for the time being in force, an appeal shall lie to the Supreme Court from any order of the High Court under this section:

Provided that every appeal under this section shall be preferred within a period of thirty days from the date of the order of the High Court:

Provided further that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that the political party had sufficient cause for not preferring the appeal within such period.".

Amendment of section 30.

9. In section 30 of the 1951-Act, in clause (*d*), for the words "twentieth day", the words "fourteenth day" shall be substituted.

Amendment of section 33.

10. In section 33 of the 1951-Act, after sub-section (*6*), the following sub-section shall be inserted, namely:—

"(7) Notwithstanding anything contained in sub-section (6) or in any other provision of this Act, a person shall not be nominated as a candidate for election,—

(*a*) in the case of a general election to the House of the People (whether or not held simultaneously from all Parliamentary constituencies), from more than two Parliamentary constituencies;

(*b*) in the case of a general election to the Legislative Assembly of a State (whether or not held simultaneously from all Assembly constituencies), from more than two Assembly constituencies in that State;

(*c*) in the case of a biennial election to the Legislative Council of a State having such Council from more than two Council constituencies in the State;

(*d*) in the case of a biennial election to the Council of States for filling two or more seats allotted to a State for filling more than two such seats;

(*e*) in the case of bye-elections to the House of the People from two or more Parliamentary constituencies which are held simultaneously, from more than two such Parliamentary constituencies;

(*f*) in the case of bye-elections to the Legislative Assembly of a State from two or more Assembly constituencies which are held simultaneously, from more than two such Assembly constituencies;

(*g*) in the case of bye-elections to the Council of States for filling two or more seats allotted to a State, which are held simultaneously, for filling more than two such seats;

(*h*) in the case of bye-elections to the Legislative Council of a State having such Council from two or more Council constituencies which are held simultaneously, from more than two such Council constituencies.

Explanation.—For the purpose of this sub-section, two or more bye-elections shall be deemed to be held simultaneously where the notification calling such bye-elections are issued by the Election Commission under section 147, 149, 150 or, as the case may be, 151 on the same date".

Amendment of section 34.

11. In section 34 of the 1951-Act, for sub-section (*1*), the following sub-section shall be substituted, namely:—

"(*1*) A candidate shall not be deemed to be duly nominated for election from a constituency unless he deposits or causes to be deposited,—

(*a*) in the case of an election from a Parliamentary constituency,—

(*i*) where the candidate is set up by a recognised political party, a sum of five hundred rupees or where such candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of five hundred rupees;

(*ii*) where the candidate is set up by any party other than a recognised political party or is an independent, a sum of five thousand rupees or where such candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two thousand and five hundred rupees; and

(*b*) in the case of an election from an Assembly or Council constituency,—

(*i*) where the candidate is set up by a recognised political party, a sum of five hundred rupees or where such candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of two hundred and fifty rupees;

(*ii*) where the candidate is set up by any party other than a recognised political party or is an independent, a sum of two thousand and five hundred rupees or where such candidate is a member of a Scheduled Caste or Scheduled Tribe, a sum of one thousand two hundred and fifty rupees:

Provided that where a candidate has been nominated by more than one nomination paper for election in a constituency, not more than one deposit shall be required of him under this sub-section.".

12. In section 38 of the 1951-Act, sub-section (*2*) shall be omitted. Amendment of section 38.

13. For section 52 of the 1951-Act, the following section shall be substituted, namely:— Substitution of new section for section 52.

'52. (*1*) If a candidate set up by a recognised political party,— Death of a candidate of a recognised political party before poll.

(*a*) dies at any time after 11.00 A.M. on the last date for making nominations and his nomination is found valid on scrutiny under section 36; or

(*b*) whose nomination has been found valid on scrutiny under section 36 and who has not withdrawn his candidature under section 37, dies,

and in either case, a report of his death is received at any time before the publication of the list of contesting candidates under section 38; or

(*c*) dies as a contesting candidate and a report of his death is received before the commencement of the poll,

the returning officer shall, upon being satisfied about the fact of the death of the candidate, by order, announce an adjournment of the poll to a date to be notified later and report the fact to the Election Commission and also to the appropriate authority:

Provided that no order for adjourning a poll should be made in a case referred to in clause (*a*) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(*2*) The Election Commission shall, on the receipt of a report from the returning officer under sub-section (*1*), call upon the recognised political party, whose candidate has died, to nominate another candidate for the said poll within seven days of the death of the earlier candidate and the provisions of sections 30 to 37 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under sub-section (*1*) of section 37 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

(*3*) Where a list of contesting candidates had been published under section 38 before the adjournment of the poll under sub-section (*1*), the returning officer shall again prepare and publish a fresh list of contesting candidates under that section so as to include the name of the candidate who has been validly nominated under sub-section (*2*).

Explanation.—For the purposes of this section, "recognised political party" means a political party recognised by the Election Commission under the Election Symbols (Reservation and Allotment) Order, 1968.'.

Amendment of section 58A.

14. In section 58A of the 1951-Act, in sub-section (*2*),—

(*i*) for the words, brackets and figure "The Election Commission shall, on the receipt of a report from the returning officer under sub-section (*1*)", occurring in the opening portion, the words, brackets, letters and figures "In every case referred to in clause (*a*) or clause (*b*) of sub-section (*1*), the Election Commission shall, on the receipt of a report from the returning officer under sub-section (*1*) or otherwise" shall be substituted;

(*ii*) in clause (*b*), after the words "affect the result of the election,", the words "declare that the poll in that constituency be void, appoint a day, and fix the hours, for taking fresh poll in that constituency and notify the date so appointed and hours so fixed in such manner as it may deem fit or" shall be inserted.

Insertion of new Chapter II in Part VII.

15. In Part VII of the 1951-Act, the following Chapter shall be inserted, namely:—

"CHAPTER II

ILLEGAL PRACTICES

Illegal practices

124. No person shall, at any time between the date of publication of the notification calling the election and the date of the declaration of the result thereof, (both dates inclusive), indulge, either directly of indirectly, for the furtherence of the prospects of a political party or a candidate at that election, in the following practices, namely:—

(*a*) combining of official visit with work relating to the election or making use of official machinery or personnel in connection with any such work;

(*b*) restricting or monopolising the use of public places for holding election meetings or use of helipads for air flights in connection with any work relating to the election;

(*c*) restricting or monopolising the use of rest houses, dak bungalows or other Government accommodation or the use of such accommodation (including premises appurtaining thereto) as a campaign office or for holding any public meeting for the purposes of the election propaganda;

(*d*) issuing of advertisements at the cost of the public exchequer in the newspapers and other media;

(*e*) using official mass media for partisan coverage of political news and publicity of achievements;

(*f*) announcing or sanctioning of any financial grants in any form or making payment out of discretionary funds;

(*g*) laying of foundation stones of projects or the inauguration of schemes of any kind or the making of any promises of construction of roads or the provision of any facilities;

(*h*) making of any *ad hoc* appointments in Government or public undertakings;

(*i*) entering any polling station or place of counting except in the capacity of a candidate, a voter or an agent of a candidate or as a person duly authorised in this behalf under this Act or the rules made thereunder;

(*j*) ordering transfer of any Officers and staff referred to in section 28A in violation of the instructions of the Election Commission in that behalf.".

Substitution of new sections for section 126.

16. For section 126 of the 1951-Act, the following sections shall be substituted, namely:—

Prohibition of public meetings during period of forty-eight hours ending with hour fixed for conclusion of poll.

'126. (*1*) No person shall—

(*a*) convene, hold, attend, join or address any public meeting or procession in connection with an election; or

(*b*) display to the public any election matter by means of cinematograph, television or other similar apparatus; or

(*c*) propagate any election matter to the public by holding, or by arranging the holding of, any musical concert or any theatrical performance or any other entertainment or amusement with a view to attracting the members of the public thereto,

in any polling area during the period of forty-eight hours ending with the hour fixed for the conclusion of the poll for any election in that polling area.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

(3) In this section, the expression "election matter" means any matter intended or calculated to influence or effect the result of an election.

Penalty for indulging in illegal practices.

126A. Any person who indulges in any practice specified in section 124, shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.'.

Amendment of section 127.

17. In section 127 of the 1951-Act,—

(*a*) in sub-section (*1*), for the words "three months or with fine which may extend to one thousand rupees", the words "six months or with fine which may extend to two thousand rupees" shall be substituted;

(*b*) after sub-section (*1*), the following sub-section shall be inserted, namely:—

"(*1A*) An offence punishable under sub-section (*1*) shall be cognizable."

Substitution of new section for section 133.

18. For section 133 of the 1951-Act, the following section shall be substituted, namely:—

Penalty for illegal hiring or procuring of conveyance at elections.

"133. (*1*) If any person is guilty of any such corrupt practice as is specified in clause (*5*) of section 123 at or in connection with an election, he shall be punishable with imprisonment which may extend to three months and with fine.

(*2*) An offence punishable under sub section (*1*) shall be cognizable.".

Insertion of new section 134B.

19. After section 134A of the 1951-Act, the following section shall be inserted, namely:—

Prohibition of going armed to or near a polling station.

"134B. (*1*) No person, other than the returning officer, the presiding officer, any police officer and any other person appointed to maintain peace and order at a polling station who is on duty at the polling station, shall, on a polling day, go armed with arms, as defined in the Arms Act, 1959, of any kind within the neighbourhood of a polling station. 54 of 1

(2) If any person contravenes the provisions of sub-section (1), he shall be punishable with imprisonment for a term which may extend to two years or with fine or with both.

54 of 1959

(3) Notwithstanding anything contained in the Arms Act, 1959, where a person is convicted of an offence under this section, the arms as defined in the said Act, found in his possession shall be liable to confiscation and the licence granted in relation to such arms shall be deemed to have been revoked under section 17 of that Act.

(4) An offence punishable under sub-section (2) shall be cognizable.".

Amendment of section 135.

20. In section 135 of the 1951-Act, in sub-section (1), for the word "fraudulently", the word "unauthorisedly" shall be substituted.

Amendment of section 135A.

21. Section 135A of the 1951-Act shall be renumbered as sub-section (1) thereof and,—

(i) in sub-section (1) as so renumbered,—

(a) for the words "one year but which may extend to three years", the words "three years but which may extend to five years" shall be substituted;

(b) in the *Explanation*,—

(i) for the words "this section", occurring in the opening portion, the words "this sub-section and section 20B" shall be substituted;

(ii) in clause (b), for the words "prevent others from voting", the words "prevent others from free exercise of their right to vote" shall be substituted;

(iii) in clause (c), for the word "threatening," the words "coercing or intimidating or threatening directly or indirectly," shall be substituted;

(ii) after sub-section (1) as so renumbered and the *Explanation* thereto, the following sub-section shall be inserted, namely:—

"(2) An offence punishable under sub-section (1) shall be cognizable.".

Insertion of new sections 135B and 135C.

22. After section 135A of the 1951-Act, the following sections shall be inserted, namely:—

Grant of paid holiday to employees on the day of poll.

"135B. (1) Every person employed in any business, trade, industrial undertaking or any other establishment and entitled to vote at an election to the House of the People or the Legislative Assembly of a State shall, on the day of poll, be granted a holiday.

(2) No deduction or abatement of the wages of any such person shall be made on account of a holiday having been granted in accordance with sub-section (1) and if such person is employed on the

basis that he would not ordinarily receive wages for such a day, he shall nonetheless be paid for such day the wages he would have drawn had not a holiday been granted to him on that day.

(*3*) If an employer contravenes the provisions of sub-section (*1*) or sub-section (*2*), then such employer shall be punishable with fine which may extend to five hundred rupees.

(*4*) This section shall not apply to any elector whose absence may cause danger or substantial loss in respect of the employment in which he is engaged.

Liquor not to be sold, given or distributed on polling day.

135C. (*1*) No spirituous, fermented or intoxicating liquors or other substances of a like nature shall be sold, given or distributed at a hotel, eating house, tavern, shop or any other place, public or private, within a polling area on a polling day.

(*2*) Any person who contravenes the provisions of sub-section (*1*) shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

(*3*) Where a person is convicted of an offence under this section, the spirituous, fermented or intoxicating liquors or other substances of a like nature found in his possession shall be liable to confiscation and the same shall be disposed of in such manner as may be prescribed.".

Insertion of new section 151A.

23. After section 151 of the 1951-Act, the following section shall be inserted, namely:—

Time limit for filling vacancies referred to in sections 147, 149, 150 and 151.

"151A. Notwithstanding anything contained in section 147, section 149, section 150 and section 151, a bye-election for filling any vacancy referred to in any of the said sections shall be held within a period of six months from the date of the occurrence of the vacancy:

Provided that nothing contained in this section shall apply if the remainder of the term of a member in relation to a vacancy is less than one year.".

Amendment of section 158.

24. In section 158 of the 1951-Act, in sub-section (*4*), for the word "one-sixth", wherever it occurs, the word "one-fourth" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Electoral reform is a continuous process and the two enactments dealing with elections to Parliament and the State Legislatures, namely, the Representation of the People Act, 1950 (hereinafter referred to as"the 1950-Act") and the Representation of the People Act, 1951 (hereinafter referred to as "the 1951-Act") have been amended from time to time for the purpose. Proposals for comprehensive amendments to Electoral Law received from the Election Commission and others considered by the Committee on Electoral Reforms in 1990 have been under the consideration of Government. Keeping in view the proposals received and the views expressed by the various political parties, it has been decided to bring about comprehensive amendments in the two aforementioned enactments. The present Bill seeks to give effect to the said amendments. The salient features of the Bill are as under:

(1) It is proposed to insert a new section 28A in the 1950-Act to empower the Election Commission to direct, with the previous approval of the Central Government, that identity cards be issued to the electors in constituencies or parts thereof as may be specified and in such manner and containing such particulars as may be prescribed.

(2) Section 8 of the 1951-Act is proposed to be amended to provide that a person convicted of an offence punishable under section 2 or section 3 of the Prevention of Insults to National Honour Act, 1971 shall be disqualified for a period of six years from the date of such conviction.

(3) It is proposed to insert a new section 20B in the 1951-Act to enable the Election Commission to nominate Observers to watch the conduct of elections and such Observers will have the power to direct the returning officers to stop the counting of votes or not to declare the result in certain contingencies like booth capturing, etc.

(4) It is proposed to strengthen the provisions of section 29A of the 1951-Act to provide that no association or body shall be registered as a political party if the association or body bears a religious name. An appeal is proposed to be provided against the decision of the Election Commission to the Supreme Court. Further, a new section 29B is proposed to be inserted whereunder a complaint can be made to the High Court within whose jurisdiction the main office of a political party is situate for cancelling the registration of a political party where such political party bears a religious name or the memorandum or rules and regulations of the political party no longer conform to the provisions of section 29A(5) or the activities of the political party are not in accordance with the said memorandum, rules or regulations.

(5) Section 30 of the 1951-Act is proposed to be amended to provide for the reduction of the time for campaign to 14 days.

(6) Section 33 of the 1951-Act is proposed to be amended to provide that a person shall not be nominated as a candidate for election in more than two constituencies of the same class.

(7) Section 34 of the 1951-Act is proposed to be amended to increase the security deposits of candidates.

(8) Sub-section (2) of section 38 of the 1951-Act which provides for listing of the names, etc, of the contesting candidates in alphabetical order is proposed to be omitted.

(9) Section 52 of the 1951-Act is proposed to be amended to provide that on the death of a candidate an election shall, instead of being countermanded, only be adjourned.

(10) Section 58A of the 1951-Act is being amplified to empower the Election Commission to order repoll also in the entire constituency depending on the nature and seriousness of the cases of booth capturing.

(11) New section 124 is proposed to be inserted in the 1951-Act to give statutory effect to certain provisions of Part VII of the Model Code of Conduct for the guidance of Political Parties and Candidates.

(12) New section 151A is proposed to be inserted in the 1951-Act to provide for holding of bye-elections within a period of six months from the date of occurrence of the vacancy.

(13) Certain further amendments are also proposed to ensure peaceful conduct of elections by reducing the influence of money and muscle power by prohibiting the carrying of arms, etc., on the polling day.

2. The Bill seeks to achieve the aforesaid objects.

NEW DELHI; H. R. BHARDWAJ.

The 9th June, 1994.

Notes on clauses

Clause 2 seeks to amend section 28 of the Representation of the People Act, 1950 (hereafter referred to as the 1950 Act) to empower the Central Government to make rules, after consulting the Election Commission, in respect of the manner in which the identity cards shall be issued and the particulars such cards shall contain. The amendment is sought to be made with effect from 1st day of January, 1961 as the Registration of Electors Rules, 1960 framed under the said section came into force on the 1st day of January, 1961.

Clause 3 seeks to insert a new section 28A in the 1950 Act to empower the Election Commission, to direct with the previous approval of the Central Government and by notification in the Official Gazette of a State that identity cards be issued to electors in such constituencies or part thereof as may be specified in the notification. Further, identity cards shall be issued in such manner and contain such particulars as may be laid down in the rules to be made by the Central Government. It also provides that any notification issued in this behalf by the Election Commission without the previous approval of the Central Government shall be void and inoperative.

Clause 4 seeks to amend sub-section (1) of section 32 of the 1950 Act to provide for deterrent punishment for breach of official duty in connection with the preparation, etc., of electoral rolls.

Clause 5 seeks to insert a new clause in sub-section (1) of section 8 of the 1951-Act to provide that a person convicted of an offence punishable under section 2 or section 3 of the Prevention of Insults to National Honour Act, 1971 shall be disqualified for a period of six years from the date of such conviction.

Clause 6 seeks to insert a new sectoin 20B to empower the Election Commission to nominate an officer of the Government to be Observer to watch the conduct of election in a constituency or group of constituencies. Such Observers shall have the power to direct the returning officer in the constituency to stop counting of votes at any time before the declaration of the result or not to declare the result if the Observer is of the opinion that booth capturing has taken place at a large number of polling stations, etc., or where the ballot papers are unlawfully taken out of the custody of the returning officer or are tampered with. Where the returning officer has been directed by the Observer to stop the counting of votes or not to declare the result the Observer shall forthwith report the matter to the Election Commission and the Election Commission shall issue appropriate directions under the provisions of the Act.

Clause 7 seeks to amend section 29A of the 1951-Act to provide that no association or body bearing a religious name shall be registered as a political party and the decision of the Election Commission not to register the association or body shall be appealable to the Supreme Court within 30 days from the date of the decision.

Clause 8 seeks to insert a new section 29B in the 1951-Act to provide that a complaint can be made to the High Court within whose jurisdiction the main office of a political party is situate for cancelling the registration of a political party where such political party bears a religious name or the memorandum or rules and regulations of such political party no longer conform to the provisions of sub-section (5) of section 29A or the activities of the political party are not in accordance with the said memorandum or rules and regulations. It also provides a time limit of 90 days within which political party with religious name shall be required to change such name and conform to the new law.

Clause 9 seeks to amend section 30 of the 1951-Act to provide for the reduction of the time for campaigning from 20 days to 14 days.

Clause 10 seeks to amend section 33 of the 1951-Act to provide that a person shall not be nominated as a candidate for election in more than two constituencies of the same class.

Clause 11 seeks to amend section 34 of the 1951-Act to provide for the increase of amount of deposits by candidates for election from a Parliamentary constituency or from an Assembly or Council constituency.

Clause 12 seeks to omit sub-section (2) of section 38 of the 1951-Act which provides for listing of the names, etc., of the contesting candidates in alphabetical order.

Clause 13 seeks to substitute a new section for section 52 of the 1951-Act to provide that on the death of a candidate an election shall be adjourned to a date to be notified later instead of being countermanded. Further, where a list of contesting candidates had been published before the adjournment of the poll the returning officer has to prepare and publish a fresh list of contesting candidates again.

Clause 14 seeks to amplify section 58A of the 1951 Act to empower the Election Commission to order repoll also in the entire constituency depending on the nature and seriousness of the cases of booth capturing.

Clause 15 seeks to insert new Chapter II to give statutory effect to certain provisions of Part VII of the Model Code of Conduct for the guidance of political parties and candidates.

Clause 16 seeks to substitute a new section for section 126 of the 1951-Act to prohibit public meetings during a period of 48 hours ending with the hour fixed for the conclusion of a poll and provides for punishment for the contravention of the provisions of the section.

Clause 17 seeks to amend section 127 of the 1951-Act to increase the quantum of punishment and also to make the offence under that section a cognizable offence.

Clause 18 seeks to substitute a new section for section 133 of the 1951-Act to increase the quantum of punishment if any person is found guilty of any corrupt practice as specified in clause (5) of section 123 and also to provide that offences under the section shall be cognizable offences.

Clause 19 seeks to insert a new section 134B in the 1951-Act to provide for prohibition of any person other than the returning officer, the presiding officer, any police officer on duty, etc., to go to a neighbourhood polling station on a polling day armed with arms. It further provides for imprisonment for a term which may extend to two years or with fine or with both for contravention of the provisions of the section.

Clause 20 seeks to amend section 135.

Clause 21 seeks to amend section 135A of the 1951-Act to enhance the quantum of punishment provided under that section and to make an offence punishable under that section a cognizable offence.

Clause 22 seeks to insert new sections 135B and 135C in the 1951-Act to provide for grant of paid holiday to employees on the day of poll. In case of contravention of the provisions of sub-section (1) or sub-section (2) of section 135B, the employer shall be punishable with fine which may extend to five hundred rupees. New section 135C provides that no spirituous, fermented or intoxicating liquors or other substances shall be sold, given or distributed at a hotel, eating house, etc., within a polling area on a polling day. It provides for punishment for contravention of provisions of the section. It further provides that if spirituous, fermented or intoxicating liquors, etc., is found in the possession of a person convicted of an offence under that section such liquor, etc, shall be liable to confiscation and the same shall be disposed of in such manner as may be laid down in the rules to be made by the Central Government

Clause 23 seeks to insert a new section 151A in the 1951-Act to provide for holding of bye-elections within a period of six months from the date of occurrence of the vacancy.

Clause 24 seeks to amend section 158 of the 1951-Act to provide that the deposit shall be forfeited if at an election where a poll has been taken the candidate is not elected and the number of valid votes polled by him does not exceed one-fourth of the total number of valid votes polled by all the candidates.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to insert a new section 28A in the Representation of the People Act, 1950 which provides for issuance of photo identity cards to electors in notified constituencies. The issuance of photo identity cards in notified constituencies would involve both recurring and non-recurring expenditure and would depend on the number of constituencies that are notified as also on the number of electors in such constituencies. Clause 6 of the Bill seeks to insert a new section 20B in the Representation of the People Act, 1951 which provides for the appointment of Observers by the Election Commission during election. In view of the above factors, it may not be possible to readily estimate the exact amount which may be required for these purposes. The expenditure with regard to the appointment of Observers would, however, be nominal.

2. The Bill, when enacted, is not likely to involve any other recurring or non-recurring expenditure from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 2 of the Bill seeks to empower the Central Government to make rules, after consulting the Election Commission, in respect of the manner in which identity cards shall be issued and the particulars such cards shall contain.

2. Clause 22 of the Bill seeks to insert new section 135C in the Act. Under sub-section (3) of that section spirituous, fermented or intoxicating liquors or other substances of a like nature found in the possession of any person are liable to confiscation and the same will be disposed of in such manner as may be laid down in the rules.

3 The matters in respect of which power is proposed to be given to the Central Government to make rules are matters of administrative detail and it is not possible to incorporate them in the Act. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 54 OF 1994

A Bill to provide for constitution and organisation of municipalities in the Urban areas of Manipur and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Manipur Municipalities Act, 1994.

(2) It extends to the whole of the State of Manipur except the Hill Areas to which the Manipur (Hill Areas) District Council Act, 1971 extends or any area which is included in a Cantonment under the Cantonment Act, 1924.

Manipur Act 76 of 1971.

2 of 1924

(3) It shall be deemed to have come into force on the 24th day of May, 1994.

Defini-tions.

2. In this Act, unless the context otherwise requires,—

(*1*) "Adhyaksha" means an Adhyaksha of a Zilla Parishad elected under the provisions of the Manipur Panchayati Raj Act, 1994; 26 of 1994.

(*2*) "building" means a house, out house, stable, latrine, urinal, shed, hut, wall (other than a boundary wall) or any other structure, whether of masonry, bricks, wood, mud, metal or other material but does not include any portable shelter;

(*3*) "bye-law" means a bye-law made under this Act by notification;

(*4*) "Committee" means a Committee other than a Ward Committee constituted under this Act;

(*5*) "compound" means land whether enclosed or not, which is the appurtenance of a building or the common appurtenance of several buildings;

(*6*) "conservancy" means the removal and disposal of sewage, offensive matter and rubbish;

(*7*) "Corporation" means a Municipal Corporation;

(*8*) "Council" means a Municipal Council;

(*9*) "Councillor" means a member of a Municipal Council or Nagar Panchayat, as the case may be, elected or appointed under this Act;

(*10*) "Deputy Commissioner" means the Deputy Commissioner of a district of Manipur having jurisdiction over the Municipality, or any other officer at any time appointed by the Government to perform, in any district or districts the functions of a Deputy Commissioner under this Act;

(*11*) "Director" means the Director of Municipal Administration, Housing and Urban Development of the Government of Manipur or such other officer as may be appointed by the Government to exercise the functions of the Director of Municipal Administration, Housing and Urban Development of Manipur;

(*12*) "district" means a district in the State of Manipur;

(*13*) "District Magistrate" means the District Magistrate and includes the Additional District Magistrate or any such Magistrate as may be appointed in this behalf by the Government, having territorial jurisdiction over the Municipality;

(*14*) "drain" includes a sewer, a house-drain, a drain of any other description, a tunnel, a culvert, a ditch, a channel and any other device for carrying off sullage, sewage, offensive matter, polluted water, waste water, rain water or subsoil water;

(*15*) "Election Commission" means the State Election Commission
26 of 1994 constituted under section 98 of the Manipur Panchayati Raj Act, 1994;

(*16*) 'Executive Officer' means Executive Officer of a municipality appointed under this Act;

(*17*) "financial year" means the year commencing on the 1st day of April of a year and ending on 31st day of March of the succeeding year;

(*18*) "food" includes every article used for food or drink by man other than drugs or water, and any article which ordinarily enters into or used in the composition or preparation of human food and also includes confectionery, flavouring and colouring matter, spices and condiments;

(*19*) "Government" means the State Government of Manipur;

(*20*) "half-year" means a half-year commencing on the 1st day of April or the 1st day of October, or such other date as the State Government may by notification, appoint;

(*21*) "holding" means land held under one title or agreement and surrounded by one set of boundaries:

Provided that where two or more adjoining holdings form part and parcel of the site or premises of a dwelling-house, manufactory, warehouse or place of trade or business, such holdings shall be deemed to be one holding for the purposes of this Act:

Provided further that where land has been let out to occupants in separate parcels paying rent separately, each such parcel shall be treated as a distinct holding in spite of such parcels of land being held under one title.

Explanation I.—Holdings separated by a road or other means of communication shall be deemed to be adjoining within the meaning of this proviso.

Explanation II.—Any plot of land having clear boundaries and lying entirely vacant, if fit for building purposes or if yielding any income, shall when not appurtenant to any agricultural purposes, be regarded as a "holding";

(*22*) "house" means any hut, shop, warehouse, workshop, masonry or framed;

(*23*) "house-gully" or "service passage" means a passage or strip of land constructed, set apart or utilised, for the purpose of serving as or carrying a drain or affording access to a latrine, privy,

urinal, cess-pool or other receptacle of filthy or polluted matter by municipal employees or other persons employed in the cleansing thereof or in the removal of such matter therefrom, and includes the air-space above such passage or land;

(*24*) "hut" means any building, which is constructed principally of wood, bamboo, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made;

(*25*) "infectious or contagious disease" means cholera, plague, small-pox, chicken-pox, kala-azar, tuberculosis, diphtheria and typhoid or enteric fever or such other dangerous disease as the Government may notify in this behalf;

(*26*) "inhabitant" used with reference to a local area means any person ordinarily residing or carrying on business or owning or occupying immovable property therein;

(*27*) "joint family" means a family of which the members live together, have a common mess and are descendants from a common ancestor and shall include wives or husbands, as the case may be, of its members, but shall exclude married daughters and their children;

(*28*) "land" includes benefits arising out of land, houses and things attached to the earth or permanently fastened to anything attached to the earth and also land covered by water;

(*29*) "Legislative Assembly" means the Legislative Assembly of Manipur;

(*30*) "Local Authority" includes District Council, Municipal Council, Nagar Panchayat, Municipal Corporation and Panchayat;

(*31*) "lodging house" means a house in which visitors or other persons are lodged on hire for a night or more;

(*32*) "market" or "bazar" means any place, by whatever name called, where persons assemble for the sale of meat, fish, fruit, vegetables, live stock or any other article of food or merchandise, declared and licensed by the municipality as a market;

(*33*) "municipal area" means the territorial area of a municipality as is notified by the Governor;

(*34*) "municipality" means the Nagar Panchayat or the Municipal Council, as the case may be, constituted under the provisions of this Act;

(*35*) "municipal market" means a market belonging to or maintained by the municipality;

(*36*) "notification" means notification in the Official Gazette of Manipur;

(*37*) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense or sight, smelling or hearing or disturbance to rest or sleep or which is or may be, dangerous to life or injurious to health or property;

(*38*) "occupier" includes—

(*a*) any person who is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;

(*b*) an owner in occupation of or otherwise using his own land or building;

(*c*) a rent free tenant of any land or building;

(*d*) a licensee in occupation of any land or building; and

(*e*) any person who is liable to pay to the owner of land or building damages for the use and occupation of such land or building;

(*39*) "offensive matter" includes animal, carcases, kitchen or stable refuse, dung, dirt, putrid or putrefying substance and filth of any kind which is not included in sewage;

(*40*) "owner" includes—

(*a*) a person who for the time being is receiving or is entitled to receive, the rent of any land or building or of any part of any land or building whether on his own account or on account of himself and others or as an agent, trustee for any person or society or for any religious or charitable purpose, guardian or as a receiver or who would so receive such rent or be entitled to receive it if the land, building or part thereof were let to a tenant, and

(*b*) the head of a Government department in respect of properties under their respective control;

(*41*) "Panchayat" means an institution of self government at the district or village level constituted under the Manipur Panchayati Raj Act, 1994; 26 of 1994.

(42) "platform" means any structure which is placed on or covers or projects over, any public road or any open drain, sewer or aqueduct;

(43) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;

(44) "prescribed" means prescribed by rules made under this Act;

(45) "private road" means any street, road, square, court alley or passage which is not a public road and includes a pathway made by the owner or premises on his own land to secure access to, or the convenient use of, such premises;

(46) the expression "re-erect" when used with reference to building, includes—

(a) the reconstruction of a building after more than one-half of its cubical extent has been taken down or burnt down or has fallen down;

(b) the conversion of one or more huts or temporary structures into a masonry or framed building;

(c) the conversion into place for human habitation of any building not originally constructed for such habitation; and

(d) the extension of a building;

(47) "private slaughter house" means a slaughter house which is not a municipal slaughter house;

(48) "public place" means a space, not being private property which is open to the use or enjoyment of the public whether such space is vested in a municipality or not;

(49) "public road" means any street, road, square, court alley, passage or pathway over which the public have a right of way whether a thoroughfare or not, and includes—

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such road, public bridge or causeway; and

(c) the drains attached to any such road, public bridge or causeway, and the land, whether covered or not by any pavement, verandah or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or Government property;

(50) "regulation" means a regulation made by the municipality under this Act, by notification;

(*51*) "rubbish" means ashes, broken brick, mortar, broken glass, dust or refuse of any kind which is not filth;

(*52*) "rule" means a rule made under this Act;

(*53*) "Scheduled Castes" means such castes, races or tribes or parts of groups within such castes, tribes as are specified to be Scheduled Castes, in relation to the State of Manipur under article 341 of the Constitution of India;

(*54*) "Scheduled Tribes" means such tribes or tribal communities or parts of groups within such tribes or tribal communities as are specified to be Scheduled Tribes in relation to the State of Manipur under article 342 of the Constitution of India;

(*55*) "sewage" means night-soil and other contents of privies, latrines, urinals, cesspools and drains, and includes polluted water from sink, bathrooms, stables, cattle-sheds and other like places and also discharges from manufactories of all kinds;

(*56*) "slaughter house" means any place ordinarily used for the slaughter of animals for the purpose of selling the flesh thereof for human consumption;

(*57*) "urban areas" means the areas in the State of Manipur which are not rural areas;

(*58*) "vehicle" includes bicycles, tricycles and automotor cars and every wheeled conveyance whether a carriage, cart, van, dray which is used or capable of being used on a public road;

(*59*) "ward" means a municipal ward constituted under section 18;

(*60*) "water works" includes all tanks, streams, cisterns, springs, pumps, wells, reservoirs, aqueducts, sluices mains, pipes, hydrants, stand pipes and conduits and all lands, buildings, machinery and things used for, or intended for the purpose of, supplying water;

(*61*) "Zilla Parishad" means a Zilla Parishad of a district constituted under the Manipur Panchayati Raj Act, 1994. 26 of 1994

CHAPTER II

CONSTITUTION OF MUNICIPALITIES

Constitution of Municipalities.

3. (*1*) The Governor shall, by notification, constitute—

(*a*) a Nagar Panchayat for a transitional area, that is to say, an area in transition from a rural area to an urban area;

(*b*) a Municipal Council for a smaller urban area; and

(*c*) a Municipal Corporation for a larger urban area, in accordance with the provisions of this Act:

Provided that a municipality under this section may not be constituted in such urban area or part thereof as the Governor may, having regard to the size of the area and the municipal services being provided or proposed

to be provided by an industrial establishment in that area and such other factors as it may deem fit, by notification, specify to be an industrial township.

Explanation.—In this section, "a transitional area", "a smaller urban area" or "a larger urban area" means such areas as the Governor may, having regard to the population of the area, the density of the population therein, the revenue generated for local administration, the percentage of employment in non-agricultural activities, the economic importance or such other factors as it may deem fit, specify by notification for the purposes of this Act.

(*2*) Notwithstanding anything contained in sub-section (*1*), any local area, except in Scheduled Area, which was declared as a small town or a municipality under the Manipur Municipalities Act, 1976, before the commencement of this Act, shall be deemed to have been declared as a transitional area or a smaller urban area, as the case may be, for the purpose of this Act

Manipur Act 26 of 1976.

(*3*) Before issue of notification under sub-section (*1*) a draft of the notification is to be published indicating local limits of the area to be included or excluded from the municipality.

(*4*) Any person who is ordinarily resident of the local area in respect of which the draft notification has been published under sub-section (*3*) may, object to the proposal contained in such notification in writing to the Deputy Commissioner within forty-five days from the date of publication of the said draft notification.

(*5*) On receipt of the objection under sub-section (*4*), the Deputy Commissioner shall within forty-five days of the receipt of objection forward the same with his comments to the Government for its consideration.

Effect of exclusion of local area from Municipality.

4. (*1*) When a local area is excluded from a municipality by a notification under sub-section (*1*) of section 3, and is included in the other local authority the Government shall frame a scheme determining what portion of the balance of the municipal fund and all other property vested in that municipality, shall, on such exclusion, vest—

(*i*) when such area is included within the limits of any other local authority, in such authority; and

(*ii*) in any other case, in the Government and in what manner the liability of the municipality shall be apportioned between the municipality and such local authority or the Government, as the case may be, and on the publication of such a scheme in the Official Gazette, such property and liability shall vest and be apportioned accordingly:

Provided that before framing of any such scheme, the Government shall consult the municipality and where the area is included within the limits of any local authority, such authority also.

(2) All money due to the municipality, immediately before the date of such exclusion on account of tax, toll, fee, rate or otherwise may in respect of the areas so excluded be recovered by the municipality as if such area has not been excluded.

Election and maintenance of boundary marks.

5. Every municipality shall cause to be erected and set up and maintain boundary marks defining the limits of the area subject to its authority as set out by the notification.

CHAPTER III

NAGAR PANCHAYAT

Incorporation of Nagar Panchayat.

6. A Nagar Panchayat shall be a body corporate by its name, having a perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract, and shall sue and be sued in its name.

Composition of Nagar Panchayat

7. (1) Every Nagar Panchayat shall consist of such number of Councillors as may be fixed by the Government from time to time by notification.

(2) Save as otherwise provided in sub-section (3), all the seats in a Nagar Panchayat shall be filled by persons chosen by direct election from the territorial constituencies to be known as wards in the municipal area of Nagar Panchayat.

(3) The Government may appoint a person having special knowledge or experience in municipal administration to be a Councillor of the Nagar Panchayat:

Provided that such person shall not have the right to vote in the meetings of the Nagar Panchayat

Application of certain provisions relating to Council in case of Nagar Panchayat.

8. The provisions of sections 17, 19 and 20 of this Act relating to Council shall also apply in case of Nagar Panchayat.

Chairperson and Vice-Chairperson of Nagar Panchayat.

9. For every Nagar Panchayat there shall be a Chairperson and a Vice-Chairperson.

Election of Chairperson and Vice-Chairperson.

10. (*1*) Save as otherwise provided in the Act, the Councillors at the first meeting of the Nagar Panchayat to be called at the instance of the Deputy Commissioner after a General Election shall elect one of them to be the Chairperson in accordance with the rules made in this behalf.

(*2*) An election under sub-section (*1*) shall take place—

(*a*) within twenty-one days from the date of notification of the result under section 22;

(*b*) in the case of vacancy in the office of the Chairperson on account of any reason other than the expiry of the term of office of the Chairperson, within twenty-one days from the date of the occurrence of the vacancy.

(*3*) The State Government shall appoint a person to preside over the meeting and for the purpose of the business mentioned in sub-section (*1*).

(*4*) The Councillors shall, either at the meeting referred to in sub-section (*1*) or at any subsequent meeting elect one among themselves, other than the Chairperson elected under sub-section (*1*), to be a Vice-Chairperson.

Resignation by Chairperson, Vice-Chairperson and Councillor.

11. (*1*) The Chairperson may resign his office by writing under his hand addressed to the Executive Officer.

(*2*) The Vice-Chairperson or a Councillor may resign his office by writing under his hand addressed to the Chairperson, who shall forward it to the Executive Officer.

(*3*) The resignation under sub-section (*1*) or sub-section (*2*) shall take effect from the date on which it is accepted by the Government.

(*4*) The Executive Officer shall forthwith intimate the fact of regisnation received under sub-section (*1*) or sub-section (*2*) to the Nagar Panchayat and the State Government.

(*5*) On receipt of intimation under sub-section (*4*) the State Government shall notify the fact of the resignation and occurrence of casual vacancy consequent thereon.

12. The Chairperson or Vice-Chairperson or any other Councillor of a Nagar Panchayat may be granted by that Nagar Panchayat such remunaration or such allowance as may be prescribed.

Remuneration to Chairperson and Vice-Chair person

CHAPTER IV

MUNICIPAL COUNCIL

13. A Municipal Council shall be a body corporate by its name, having a perpetual succession and a common seal with power to acquire, hold and dispose of property and to contract, and shall sue and be sued in its name.

Incorporation of Municipal Council.

14. Except as otherwise provided in this Act, the municipal administration of a municipality shall vest in the Council or the Nagar Panchayat, as the case may be.

Municipal administration

15. (*1*) Every Council shall consist of such number of councillors as may be fixed by the State Government from time to time by notification

Composition of Council.

(*2*) Save as provided in sub-section (*3*), all the seats in a municipality shall be filled by persons chosen by direct election from the territorial constituencies to be known as wards in the Municipal area.

(*3*) The State Government may appoint a person having special knowledge or experience in Municipal administration to be a member of the Municipal Council:

Provided that such person shall not have the right to vote in the meetings of the Council.

16. (*1*) In respect of a municipality having population of three lakhs or more there shall be constituted by the State Government, by order, such number of Wards Committees as may be determined by it, so however, that each Wards Committee shall consist of not less than five wards:

Constitution and composition of Wards Committees.

Provided that in constituting Wards Committees, the State Government shall maintain geographical contiguity as far as possible.

(*2*) Each Wards Committee shall consist of—

(*i*) the members elected from the wards for which Wards Committee is constituted;

(*ii*) the Executive Officer who shall be the *ex officio* member, and

(*iii*) such other officers of the municipality as the State Government may specify to be *ex officio* members of whom one specified officer shall be the Secretary of the Wards Committee:

Provided that the *ex officio* members shall have the right to speak and participate in the meetings of the Wards Committee but shall not have the right to vote.

(3) The Chairperson of the Wards Committee shall be elected by the elected members thereof from among themselves.

(4) The Chairperson shall cease to hold office if he ceases to be a member of the Wards Committee. Any casual vacancy in the office of the Chairperson shall be filled by election of another Chairperson from among the elected members of the Wards Committee as soon as may be after the occurrence of the vacancy.

(5) The powers and functions of the Wards Committee and the manner of conduct of business at its meetings shall be such as may be prescribed.

Reservation of seats.

17. (1) In every municipality, out of the total strength of elected members determined under section 15, the State Government shall subject to such rules as may be prescribed, by notification, reserve—

(*i*) such number of seats to the Scheduled Castes and the Scheduled Tribes as may be determined by them, subject to the condition that the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election to the Municipal Council, as the population of the Scheduled Castes, or as the case may be, of the Scheduled Tribes in that municipality bears to the total population of that municipality; and such seats may be allotted by rotation to different wards in the municipality;

(*ii*) not less than one-third of the total number of seats reserved under sub-section (1) shall be reserved for women belonging to the Scheduled Castes or as the case may be, the Scheduled Tribes;

(*iii*) not less than one-third (including the number of seats reserved for women belonging to the Scheduled Tribes and the Scheduled Castes) of the total number of seats to be filled by direct election to every Council, for women; and such seats may be allotted by rotation to different wards in a municipality.

Explanation.—In this section the expressions "Scheduled Castes", "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution of India.

(2) The office of Chairpersons of the municipalities shall be reserved for the Scheduled Castes, the Scheduled Tribes and women in such manner as the State Government may prescribe by notification in this regard.

(3) The reservation of seats under sub-section (1) including the reservation of office of Chairperson (other than the reservation for women) under sub-section (2) shall cease to have effect on the expiration of the period specified in article 334 of the Constitution of India.

Allocation of reserved seats and delimitation of wards.

18. The State Government shall carry out the determination of the boundaries of the wards in a municipality and the allocation of seats reserved in favour of the Scheduled Castes, the Scheduled Tribes and women among the wards in the prescribed manner.

Disqualifications for membership.

19. (*1*) A person shall be disqualified for being chosen as and for being, a member of a municipality—

(*a*) if he is so disqualified by or under any law for the time being in force for the purposes of elections to the Manipur Legislative Assembly:

Provided that no person shall be disqualified on the ground that he is less than twenty-five years of age, if he has attained the age of twenty-one years;

(*b*) if he is so disqualified by or under any law made by Manipur Legislative Assembly;

(*c*) if he is not registered as an elector in the electoral roll for a ward;

(*d*) if he is not ordinarily resident within the ward from which he is seeking election.

Explanation.—The expression "ordinarily resident" shall have the same meaning as assigned to it in section 20 of the Representation of the People Act, 1950.

43 of 1950.

(*2*) If any question arises as to whether a member of a municipality has become subject to any of the disqualifications mentioned in sub-section (*1*) the question shall be referred for the decision of the Election Tribunal in such manner as may be prescribed.

Oath of office.

20. (*1*) Every person who is elected or appointed as a Councillor of a municipality shall, before entering upon his office under this Act, make and subscribe before such authority as may be prescribed for the purpose, an oath or affirmation of his allegiance to the Constitution of India in the prescribed form.

(*2*) Any person, having been elected, or appointed as a Councillor fails to make and subscribe, within three months from the date of the first meeting of the municipality the oath or affirmation laid down in sub-section (*1*) shall cease to hold his office and his office shall be deemed to have become vacant.

Appointment of administrator.

21. The State Government shall appoint a person as an administrator to exercise the powers and perform the duties and functions of a municipality until a municipality is constituted for such area under this Act,

Provided that the period of such appointment shall not exceed six months:

Provided further that an administrator appointed under the provisions of the Manipur Municipalities Act, 1976 on or before the 12th day of October, 1993 shall be deemed to have been validly appointed under that Act and the term of such administrator shall cease to have effect on the commencement of this Act.

Manipur Act No 26 of 1976.

Duration of municipalities, etc

22. (*1*) Every municipality, unless sooner dissolved under this Act, shall continue for five years from the date appointed for its first meeting after a general election at which a quorum is present and no longer:

Provided that a municipality which is functioning immediately before the commencement of this Act shall continue till the expiration of its duration, unless sooner dissolved by a resolution passed to that effect by the Legislative Assembly of the State of Manipur.

(2) An election to constitute a municipality shall be completed—

(a) before the expiry of its duration specified in sub-section (1);

(b) before the expiration of a period of six months from the date of its dissolution:

Provided that where the remainder of the period for which the dissolved municipality would have continued is less than six months, it shall not be necessary to hold any election under this sub-section for constituting the municipality for such period:

Provided further that the result of election shall be notified.

(3) A municipality constituted upon the dissolution of a municipality before the expiration of its duration shall continue only for the remainder of the period for which the dissolved municipality would have continued under sub-section (1) had it not been so dissolved.

Every Council to have Chairperson and a Vice-Chairperson.

23. For every Council there shall be a Chairperson and a Vice-Chairperson.

Election of Chairperson.

24. (1) Save as otherwise provided in this Act, the Councillors at the first meeting of the Council to be called at the instance of the Deputy Commissioner after a general election shall elect one of them to be the Chairperson in accordance with rules made in this behalf.

(2) Such election shall take place within twenty-one days from the date of notification of the result under section 22; and in the case of vacancy in the office of the Chairperson on account of any reason other than expiry of the term of office of the Chairperson, within twenty-one days from the date of the occurrence of the vacancy.

(3) The State Government shall appoint a person to preside over the meeting and for the purpose of the business mentioned in sub-section (1).

Election of Vice-Chairperson.

25. The Councillors shall, either at the meeting mentioned in sub-section (1) of section 24 or at subsequent meeting elect one among themselves other than the Chairperson elected under sub-section (1) of section 24 to be the Vice-Chairperson.

Chairperson and Vice-Chairperson cease to hold office as such.

26. When a Councillor who holds the office of Chairperson or the Vice-Chairperson ceases, for any reason whatsoever to be a Councillor, he shall, at the same time, cease to hold office of the Chairperson or the Vice-Chairperson, as the case may be.

Filling up of vacancies and term of office of persons filling up the vacancy.

27. If any Councillor is by reason of his death, resignation or removal or otherwise, is unable to complete his full term of office, the vacancy so caused shall be filled up by election or appointment, as the case may be, of a person under the provisions of this Act and the person so elected or appointed shall hold office for the unexpired term of his predecessor:

Provided that no election for filling up a casual vacancy shall be held if the vacancy occurs within a period of six months preceding the date on which the term of office of the Councillor expires.

Resignation by Chairperson, Vice-Chairperson and Councillor.

28. (*1*) The Chairperson may resign his office by writing a letter of resignation addressed to the Vice-Chairperson, who shall forthwith deliver the letter to the Executive Officer.

(*2*) The Vice-Chairperson or a Councillor may resign his office by writing a letter of resignation addressed to the Chairperson, who shall forthwith deliver the letter to the Executive Officer.

(*3*) The resignation under sub-section (*1*) or sub-section (*2*) shall take effect from the date on which it is accepted by the Government.

(*4*) The Executive Officer shall forthwith intimate the fact of resignation received under sub-section (*1*) or sub-section (*2*) to the Council and the State Government.

(*5*) On receipt of the intimation under sub-section (*4*), the State Government shall notify in the Official Gazette the fact of the resignation and occurrence of casual vacancy consequent thereon.

Removal of Councillors.

29. (*1*) The State Government may remove any elected Councillor on the ground of his misconduct in the discharge of his duties if the removal is recommended by a resolution of the municipality passed at a special meeting called for the purpose and supported by a majority of the total number of Councillors of the municipality and by a majority of not less than two-third of Councillors present and voting in such a meeting.

(*2*) The State Government may remove any Councillor—

(*a*) if he ceases to reside within the municipality continuously for a period of twelve months; or

(*b*) if he has been declared by the State Government by notification to have violated his oath or affirmation of allegiance; or

(*c*) if he becomes disqualified by or under any law for the time being in force for the purposes of elections to the Manipur Legislative Assembly; or

(*d*) if he has, within the meaning of section 59 knowingly acquired or continued to hold without the permission in writing of the State Government, directly or indirectly or as a partner, any share or interest in any contract or employment with, by or on behalf, of the municipality; or

(*e*) if he is in arrears of any kind of dues to the municipality for more than six months after a bill or a notice has been duly served on him:

Provided that no Councillor shall be removed under sub-section (*1*) or sub-section (*2*) unless he has been given an opportunity of being heard.

Effect of removal of a Councillor.

30. No Councillor of a Nagar Panchayat or a Council who has been removed from his office under sub-section (*1*) or under clause (*b*), (*c*), (*d*) or (*e*), of sub-section (*2*) of section 29 shall be eligible for election or re-election as a Councillor for such period as may be prescribed.

No-confidence motion against Chairperson or Vice-Chairperson

31. (*1*) The State Government may remove by a notification in the Official Gazette, from office the Chairperson or the Vice-Chairperson, in pursuance of a resolution passed by a majority of the total number of the Councillors and supported by not less than two-third of the Councillors present and voting at a meeting specially convened for the purpose under sub-section (*2*).

(*2*) For the purposes of sub-section (*1*) a meeting of the Nagar Panchayat or of the Council shall be held in the following manner, namely:—

(*i*) the meeting shall be convened by the Executive Officer on a requisition signed by not less than one-fifth of the total number of Councillors constituting the Nagar Panchayat or the Council for the time being;

(*ii*) the notice of such a meeting specifying the time and place thereof shall be despatched by the Executive Officer to every Councillor ten days before the meeting;

(*iii*) the Chairperson or the Vice-Chairperson, as the case may be, against whom the resolution referred to in sub-section (*1*) is to be moved, shall not preside over the meeting;

(*iv*) a copy of the notice shall be sent to the State Government.

(*3*) If the office of the Chairperson becomes vacant all powers and duties of the Chairperson, may, until the election of a new Chairperson be exercised and performed by the Vice-Chairperson.

(*4*) The removal of the Chairperson or the Vice-Chairperson under sub-section (*1*) shall be effective from the date of its resolution in this regard.

Grant of leave of absence to chairperson or Vice-chairperson.

32. (*1*) The Nagar Panchayat or the Council, as the case may be, may, from time to time, grant such leave of absence to the Chairperson or the Vice-Chairperson as it may deem fit.

(*2*) If a Chairperson or a Vice-Chairperson remains absent from office owing to illness or any other cause for a period exceeding three months without the leave of the Nagar Panchayat or the Council, as the case may be, he shall cease to be Chairperson or Vice-Chairperson, as the case may be, and his office shall become vacant.

(*3*) During the absence on leave of the Chairperson, the Vice-Chairperson and in the like event in the case of a Vice-Chairperson such one of the Councillors as may be elected by them to act as Vice-Chairperson, shall discharge the functions of the Chairperson or the Vice-Chairperson, as the case may be.

(*4*) The Vice-Chairperson or the Councillor shall, during and in respect of the period in which he is acting as or discharging the function

of Chairperson or Vice-Chairperson, as the case may be, exercise the powers conferred and perform the duties imposed on a Chairperson or a Vice-Chairperson by or under this Act or by any other law for the time being in force.

Powers and functions of the Chairperson.

33. It shall be the function of the Chairperson—

(*a*) to preside, unless prevented by reasonable cause, over all meetings of the Nagar Panchayat or the Council, as the case may be, and subject to the provisions of the bye-laws for the time being in force, to regulate the conduct of business at such meetings;

(*b*) to watch over the financial and executive administration of the Nagar Panchayat or the Council, as the case may be, and perform such executive functions as may be allotted to him by or under this Act and rules or bye-laws framed thereunder;

(*c*) to exercise supervisory and executive control over acts and duties of all officers and employees of the Nagar Panchayat or the Council, as the case may be, in matters respecting their executive functions and the accounts and records of the Nagar Panchayat or the Council, as the case may be;

(*d*) to direct, in case of emergency, the execution or stoppage of any work or doing of any act which requires the sanction of the Nagar Panchayat or the Council, as the case may be, and the immediate execution or doing of which is, in his opinion necessary for the service or safety of the public, and the expenses incurred in the execution of such work or doing of such act shall be paid from Municipal Fund:

Provided that—

(*a*) he shall not act under clause (*d*) in contravention of any order of the Nagar Panchayat or the Council, as the case may be, prohibiting the execution of any particular work or the doing of any particular act; and

(*b*) he shall report forthwith the action taken under clause (*d*) and the reasons therefor to the Nagar Panchayat or the Council, as the case may be, at its next meeting.

Function of Vice-Chairperson.

34. It shall be the function of the Vice-Chairperson—

(*a*) in the absence of the Chairperson and unless prevented by reasonable cause, to preside over the meetings of the Nagar Panchayat or the Council, as the case may be, and he shall, when so presiding, exercise the same authority as is vested in the Chairperson under clause (*a*) of section 33;

(*b*) pending the election of a Chairperson, or during the absence of the Chairperson to exercise the powers and perform the duties of the Chairperson.

Remuneration of Chairperson and Vice-Chairperson.

35. The Chairperson, the Vice-Chairperson or any other Councillor of a Council may be granted by the Council such remuneration or such allowance as may be prescribed:

Provided that the expenditure to be incurred under this section shall without prejudice to the provisions of section 71, be paid out of the Municipal Fund.

Powers, authority and responsibilities of municipalities.

36. (1) The State Government as and when it considers expedient may, by notification, entrust—

(a) the municipalities with the function of—

(i) the preparation of plans for economic development and social justice;

(ii) the performance of functions and the implementation of schemes as may be entrusted to including those in relation to the matters listed in the Schedule;

(b) the Committees with such powers and authority as may be necessary to enable them to carry out the responsibilities conferred upon them including those in relation to the matters listed in the Schedule.

(2) On entrustment of functions under sub-section (1), the Government shall allot to the municipality such fund and personnel as may be necessary to enable the municipality to discharge the functions and duties so entrusted.

Obligatory functions of the municipality.

37. It shall be the duty of every municipality to make reasonable provision for the following matters within the municipality under its jurisdiction, namely:—

(a) lighting public roads and places;

(b) watering public roads and places;

(c) cleaning public roads, places and sewers and all spaces not being private property, which are open to the enjoyment of the public whether such spaces are vested in the municipality or not, removing noxious vegetation and abating all public nuisance;

(d) removing filth, rubbish, night-soil, odour or any other noxious or offensive matter from privies, latrines, urinals, cess-pools or other common receptacles for such matter in or pertaining to a building or buildings;

(e) extinguishing fires and protecting life and property when fire occurs;

(f) regulating offensive or dangerous trades or practices;

(g) removing obstructions and projections in public roads or places and in spaces not being private property, which are open to the enjoyment of the public whether such spaces are vested in the municipality or belong to the State Government;

(h) securing or removing dangerous buildings or places and reclaiming unhealthy localities;

(i) acquiring, maintaining, changing and regulating places for the disposal of dead bodies and of the carcasses of dead animals;

(j) constructing, altering and maintaining public roads, culverts, municipal boundary marks, markets, slaughter-houses, drains, sewers, drainage-works, sewerage-works, baths, washing-places, drinking-fountains, tanks, wells, dams and the like;

(k) constructing public latrines, privies and urinals;

(l) obtaining a supply or an additional supply of water, proper and sufficient for preventing danger to the health of inhabitants from the insufficiency or unwholesomeness of the existing supply;

(*m*) naming streets and numbering houses;

(*n*) registering births and deaths;

(*o*) suitable accommodation for any calves, cows or buffaloes required within the municipality for the supply of animal lymph;

(*p*) printing such annual reports on the administration of the municipality as may be necessary or as the State Government may by general or special orders require the municipality to print;

(*q*) making arrangements for preparation of compost manure from night-soil and rubbish; and

(*r*) establishing and maintaining cattle ponds.

Special duties of municipalities.

38. Subject to such reasonable provisions as may be made under section 37 every municipality shall make reasonable provision for the following special matters, namely:—

(*a*) providing special medical aid and accommodation for the sick in times of a dangerous disease and taking such measures as may be required to prevent the outbreak or suppress and prevent the recurrence of the disease; and

(*b*) giving relief and establishing and maintaining relief works, in times of famine or scarcity, to or for destitute persons within the limits of the municipality.

Discretionary functions of municipality.

39. A municipality may, at its discretion, provide out of the municipal property and fund, either wholly or partly, for—

(*a*) laying out, whether in areas previously built upon or not, new public roads and acquiring land for the purpose, including land acquired for the construction of buildings for curtilages thereof, to about on such roads;

(*b*) constructing, establishing, maintaining, or contributing to the maintenance of public parks, gardens, libraries, museums, reading rooms, halls, offices, dharmashalas, rest-houses, encamping grounds and other public buildings and places;

(*c*) constructions and maintaining, where necessary suitable sanitary houses for the habitation of the poor and granting loans for the construction of such houses or for effecting necessary improvements connected therewith;

(*d*) providing accommodation for any class of servants employed by the municipality or granting loans to such servants for construction of houses subject to the rules made in this behalf;

(*e*) planting and maintaining trees in the roadside;

(*f*) securing or assisting to secure suitable places for the carrying on the offensive trades mentioned in section 167;

(*g*) supplying, constructing and maintaining receptacles, fitting pipes, and other appliances whatsoever on or for the use of private premises, for receiving and conducting the sewage thereof into sewers under the control of the municipality.

(*h*) the public health and infant welfare;

(*i*) contribution towards any public fund raised for the relief of human suffering within or without the municipality;

(*j*) any public reception, ceremony, entertainment, or exhibition within the municipality by a resolution passed at a general meeting and supported by one-half of the total number of Councillors;

(*k*) the organisation or maintenance of shops or shall for the sale of necessities of life;

(*l*) holding fairs and exhibitions;

(*m*) supply of milk;

(*n*) establishing labour welfare centres for its employees and subsidizing the activities of any association, union or club of such employees by grant of loan for its general advancement;

(*o*) maintenance of ambulance service;

(*p*) establishing and maintaining public hospitals and dispensaries and providing public medical service;

(*q*) providing facilities for antifrabic treatment and meeting the expenses of indigent person undergoing antifrabic treatment within or outside the municipal limits;

(*r*) housing and maintaining destitute, orphans and cripples and maintaining maternity centre and child welfare clinics;

(*s*) establishing rescue homes;

(*t*) any other matter which is likely to promote education or the public health safety or convenience or the advancement of economic condition of the inhabitants of the municipality or which is necessary for the purposes of this Act.

Management of public institution by municipality to vest in it.

40. The management, control and administration of every public institution exclusively maintained out of the municipal property and fund shall vest in the municipality by which it is so maintained.

CHAPTER V

ESTABLISHMENT

Appointment of Executive Officers.

41. (*1*) There shall be an Executive Officer of every Nagar Panchayat or Council, as the case may be, who shall also function as Secretary to the Nagar Panchayat or Council, as the case may be, and all other officers and employees of the Nagar Panchayat or Council, as the case may be, shall be subordinate to him.

(*2*) A Nagar Panchayat or Council, as the case may be, shall appoint an Executive Officer with the concurrence of the State Government and the State Government may, if any particular Nagar Panchayat or Council, as the case may be, does not make such appointment, appoint any person as such officer in respect of that Nagar Panchayat or Council, as the case may be.

(3) A Nagar Panchayat or Council, as the case may be, may in addition to the Executive Officer, also appoint other officer to assist the Executive Officer with the concurrence of the State Government.

Main functions of the Executive Officer.

42. The Executive Officer shall,—

(a) subject to the general control of the Chairperson, watch over the financial and executive administration of the Nagar Panchayat or Council, as the case may be, and perform all the duties and exercise all the powers imposed or conferred upon him, by or delegated to him under this Act and rules, and bye laws framed thereunder; and

(b) give effect to the decision taken by the Nagar Panchayat or Council, as the case may be, and submit periodical reports, if the Nagar Panchayat or Council, as the case may be, so directs, regarding the progress made in respect thereof.

Appointment of Health Officer, Revenue Officer and Engineer.

43. (1) Every Nagar Panchayat or Council, as the case may be, shall have a Health Officer, a Revenue Officer and an Engineer for the efficient discharge of its functions and duties.

(2) The Nagar Panchayat or Council, as the case may be, shall appoint a Health Officer, a Revenue Officer and the Engineer with the concurrence of the State Government.

Power of Nagar Panchayat and Council to determine strength of its employees.

44. (1) Except as provided in sections 41 and 43 and subject to the approval of the State Government, a Nagar Panchayat or a Council may, by a special resolution determine the category and strength of employees required by it, for discharge of its functions and duties.

(2) Notwithstanding anything contained in section 71, the expenditure incurred on the establishment of Nagar Panchayat or a Council shall be paid out of the Municipal Fund.

Power of Nagar Panchayat and Council to appoint its officers and employees.

45. Subject to the provisions contained in sections 41 and 43 a Nagar Panchayat or a Council shall have power to appoint its officers and employees:

Provided that the Chairperson may fill up such non-technical posts in the Grades III and IV in such manner as may be laid down in bye-laws framed in this behalf.

Disciplinary action against employees of Nagar Panchayat and Council and conditions of their services, etc.

46. (1) An employee of a Nagar Panchayat or a Council who is aggrieved by an order of the Chairperson in a disciplinary proceeding against him shall have right to appeal to the Nagar Panchayat or the Council within thirty days from the date of service of such order on him.

(2) An employee who is aggrieved by an order of the Nagar Panchayat or the Council may prefer an appeal to the State Government against such an order within sixty days from the date of service of such order:

Provided that no appeal against an order other than an order for removal or dismissal shall lie to the State Government.

(*3*) Subject to the provisions of this Act, the disciplinary action, conditions of the service and qualifications in respect of the employees of a Nagar Panchayat or a Council shall be the same as applicable to the employees of the State Government, from time to time.

Gratuity and pension.

47. The rules relating to gratuities and pensions applicable to the employees of the State Government shall apply to the employees of the Nagar Panchayat or, as the case may be, the Council and shall be paid out of the Fund of the Nagar Panchayat or, as the case may be, of the Council.

Power to make rules.

48. The State Government may make rules regarding the appointment, salaries, condition of services, powers, duties and functions of the Executive Officer, other officers and employees of the Nagar Panchayat or the Council and other relevant matters connected thereof:

Provided that no disciplinary action shall be taken against the Executive Officer except with the approval of the State Government.

CHAPTER VI

CONDUCT OF BUSINESS

Meeting of a Nagar Panchayat or of a Council.

49. (*1*) There shall be at least one meeting of the Nagar Panchayat or the Council for transaction of its business in every month to be held on such date as is fixed by the Nagar Panchayat or the Council at a special meeting convened for the purpose, at the municipal office, if any, or other convenient place of which notice has been duly given.

(*2*) If there be no business to be laid before the Nagar Panchayat or the Council at any monthly meeting, the Chairperson shall, instead of calling the meeting, give notice of the fact to each Councillor three days before the date which is fixed for the monthly meeting.

(*3*) The Chairperson, or in his absence the Vice-Chairperson may, on a written requisition of not less than one-half of the total number of Councillors, call a special meeting.

(*4*) If the Chairperson or the Vice-Chairperson, as the case may be, fails to call a special meeting within fifteen days after any such requisition has been made, the meeting may be called by the Councillors who made the requisition.

Chairperson of meeting.

50. If at a meeting neither the Chairperson nor the Vice-Chairperson is present, the Councillors present shall elect one of them to preside over the meeting and such Councillor shall perform all the duties and exercise all the powers of the Chairperson of Nagar Panchayat or a Council when presiding over a meeting:

Provided that no candidate for election to the office of the Chairperson or the Vice-Chairperson shall preside at such election.

Manner of deciding questions.

51. Save as otherwise expressly provided in or under this Act, all questions brought before any meeting of the Nagar Panchayat or of the Council or of any of its committees shall be decided by a majority of votes of the Councillors present and voting and in the case of equality of votes, on any question the persons presiding shall have a second or casting vote:

Provided that at the election—

(*a*) of Chairperson or Vice-Chairperson; or

(*b*) of a Councillor to represent the Nagar Panchayat or the Council, as the case may be, under the provisions of any other law for the time being in force,

in case of equality of votes, the person presiding shall not exercise his casting vote and the result shall be decided by lot.

Adjournment of meeting in the absence of quorum

52. (*1*) No business shall be transacted at a meeting unless a quorum of one-third of the total number of Councillors of a Nagar Panchayat or a Council be present:

Provided that in cases where the total number of Councillors of a Nagar Panchayat or a Council is not divisible by three, the total number shall be increased by such minimum number as to make the total number divisible by three.

(*2*) If there be no quorum present at a meeting the Chairperson or in his absence the Vice-Chairperson shall adjourn the meeting to such hour of any future day as he may reasonably fix. A notice of such adjournment shall be fixed upon a notice board in the municipal office, and the business which would have been brought before the original meeting, has there been a quorum thereat, shall be brought before the adjourned meeting and may be disposed of at such meeting or at any subsequent adjournments thereof whether there be a quorum present or not.

(*3*) A notice of adjournment exhibited in the notice board of the municipal office on the day on which the meeting is adjourned, shall be sufficient notice of the subsequent meeting.

Minutes of proceedings.

53. (*1*) Minutes of the proceedings of each meeting of a Nagar Panchayat or of a Council or any of its Committee shall be recorded in a book to be kept for the purpose separately for the Nagar Panchayat or the Council and for each of its Committees and shall be signed by the persons who presided over the meeting.

(*2*) The minutes of the meeting of a Nagar Panchayat or of a Council shall at all reasonable times and without charge, be open to inspection, by any member of the public.

(*3*) The minutes of the proceedings of all meetings of the Nagar Panchayat or of the Council shall forthwith be forwarded by the Executive officer to the Deputy Commissioner, the Director and to the State Government.

Modification and cancellation of resolution.

54. No resolution of a Nagar Panchayat or of a Council shall be modified or cancelled except by a resolution supported by not less than two-thirds of the total number of Councillors and passed at a meeting whereof notice shall be given setting forth fully the proposed resolution to modify or cancel at such meeting and the motion of proposition for modification or cancellation of such resolution.

Right of Government Officers to attend, address and take part in the meeting of the Nagar Panchayat or of the Council.

55. The Deputy Commissioner, the Director and such other officers as the State Government may, by general or special order specify in this behalf, shall be entitled to attend any meeting of a Nagar Panchayat or of a Council within their jurisdiction, address it on any matter affecting the work of their department and take part in the meetings thereof, but shall not have the right to vote.

Appointment of Committees.

56. (*1*) The Nagar Panchayat or the Council at a meeting may appoint, from time to time, committees to be called "Standing Committee" to assist it in the discharge of any specific duties devolved upon it under this Act, within the whole or any portion of the municipality and may delegate to any such committee all or any of its powers which may be necessary for the purpose of rendering such assistance, or withdraw all or any such powers, so delegated.

(*2*) Each Committee shall consist of Councillors and, when necessary, of such residents with special qualification when the Nagar Panchayat or the Council at a meeting desires to appoint, in such a case the number of Councillors shall not be less than two-thirds of the total number of the members of the Committee:

Provided that no Councillor who has been appointed as a member of one committee, shall be appointed as such in another committee at a time.

(*3*) The members of such committees shall be liable to all the obligations imposed by this Act on the Councillors of the Nagar Panchayat or of the Council in respect of such powers as may be delegated to them.

(*4*) All the proceedings of any such committee shall be subject to confirmation by the Nagar Panchayat or the Council at a meeting.

(*5*) All questions connected with the removal or resignation of members of committee shall be settled by the Nagar Panchayat or the Council at a meeting.

Chairperson of Committee.

57. (*1*) The Chairperson of the Nagar Panchayat or of the Council, as the case may be, if he is a member of any committee, shall be *ex officio*, Chairperson, thereof.

(*2*) The Vice-Chairperson of the Nagar Panchayat or of the Council, as the case may be, if appointed a member of any committee of which the Chairperson is not a member, shall be *ex officio* Chairperson thereof.

(*3*) When neither the Chairperson nor the Vice-Chairperson of Nagar Panchayat or of a Council, as the case may be, is a member of a committee, the Chairperson of such committee shall be nominated by the Chairperson of the Nagar Panchayat or of the Council, as the case may be.

Liability for loss, waste or misapplication of funds and property.

58. Every Chairperson, Vice-Chairperson, Councillor, officer or employees of a Nagar Panchayat or of a Council including a Government servant whose services are lent to the Nagar Panchayat or to the Council, shall be liable for the loss, waste or misapplication of any money or other property owned by or vested in the Nagar Panchayat or the Council, if such loss, waste or misapplication is a direct consequence of any illegal act, omission, neglect or misconduct on his part; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the Nagar Panchayat or by the Council, as the case may be.

Disqualifications of Councillors having share or interest in contract.

59. No Councillor of a Nagar Panchayat or of a Council shall have without the written permission of the State Government, directly or indirectly, any share or interest in any contract, lease, sale or purchase of land or any agreement for the same or any kind whatsoever to which the Nagar Panchayat or Council is a party, or shall hold any office of profit under it, and if any Councillor shall have such share or interest or shall hold such office he shall thereby become disqualified to continue in office as a Councillor:

Provided that a Councillor shall not be so disqualified or liable by reason—

(*a*) of having a share or interest in—

(*i*) a contract entered into between the Nagar Panchayat or the Council, as the case may be, and any incorporated or registered company or any registered Co-operative Society of which such Councillor is a member or shareholder; or

(*ii*) any agreement for the loan of money, or any security for the payment of money only; or

(*iii*) any newspaper in which any advertisement relating to the affairs of the municipality is inserted; or

(*b*) of his being professionally engaged on behalf of the Nagar Panchayat or the Council, as the case may be, as a legal or medical practitioner and receiving a fee for services rendered in his professional capacity.

Penalty in case Councillors, executive officer, etc having interest in a contract etc., with the Nagar Panchayat or Council

60 In a Nagar Panchayat or in a Council—

(*a*) subject to the proviso to section 59 any Councillor who acquires, directly or indirectly any share or interest in any contract or employment with, under, by or on behalf of a Nagar Panchayat or a Council of which he is a Councillor;

(*b*) any executive officer or employee who acquires directly or indirectly any share or interest in any contract with, under, by or on behalf of a Nagar Panchayat or a Council except in so far as it relates to his own employment as executive officer or an employee,

shall be punishable with fine which may extend to five thousand rupees.

Disqualification for voting

61. No Councillor of a Nagar Panchayat or of a Council or no member of a committee shall vote or take part in the discussion of any question at a meeting of the Nagar Panchayat or of a Council or committee if the question is one in which he has direct or indirect pecuniary interest.

CHAPTER VII

MUNICIPAL PROPERTY, FINANCE AND CONTRACTS

Municipal property and vesting thereof.

62. (*1*) All property within the municipality, other than private property or property maintained by the Government or other local authority, shall vest in the Nagar Panchayat or the Council, as the case may be, and shall, with all other property of whatever nature and kind which may become vested in the Nagar Panchayat or the Council, as the case may be, be under its direction, management and control, unless the State Government otherwise directs by notification, namely:—

(*a*) all public roads including the soil, the pavements, stones and other materials thereof and all drains, bridges, trees, erections, materials, implements and other things provided for such roads;

(*b*) all public streams, channels, water courses, springs, tanks, reservoirs, cisterns, wells, aqueducts, conduits, tunnels, pipes, pumps and other water-works, whether made, laid or created at the cost of the Nagar Panchayat or of the Council or otherwise and all bridges, buildings, engines, works, materials and things connected therewith or appertaining thereto and also any adjacent land, not being private property, appertaining to any public tanks:

Provided that water-pipes and water-works connected therewith or appertaining thereto which with the consent of the Nagar Panchayat or of the Council are laid or set up in any street by the owners of any mill, factory, workshop or the like primarily for the use of their employees shall not be deemed to be public water-works by reason of their use by the public;

(*c*) all public sewers and drains, and all works, materials and things appertaining thereto and other conservancy works;

(*d*) all sewage, rubbish and offensive matter collected by the Nagar Panchayat or by the Council from roads, latrines, sewers, cesspools and other places;

(*e*) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto and all public gates, markets, slaughter

houses and public buildings of every description which have been constructed or are maintained out of the municipal fund; and

(*f*) all land or other property transferred to the Nagar Panchayat or Council, as the case may be, by the Government or acquired by the Nagar Panchayat or Council, as the case may be, by gift, purchase or otherwise for local public purposes.

(*2*) The State Government may, by notification direct that any property which has vested in the Nagar Panchayat or the Council, as the case may be, shall cease to be so vested, and the State Government may pass such orders as it may deem fit regarding the disposal and management of such property.

(*3*) The State Government may resume any immovable property transferred to the Nagar Panchayat or the Council, as the case may be, by itself or any other local authority for a public purpose on payment of the amount paid by the Nagar Panchayat or by the Council, as the case may be, for such transfer and the market value at the date of resumption of any building or works subsequently created or executed thereon by the Nagar Panchayat or by the Council, as the case may be:

Provided that compensation need not be paid for buildings or works constructed or created in contravention of the terms of the transfer.

Transfer of municipal property.

63. Notwithstanding anything contained in section 6 or 13, no Nagar Panchayat or the Council, as the case may be, shall transfer any immovable property except in pursuance of a resolution passed at a meeting thereof by a majority of not less than two-third of its members and except when it is not required for local public purposes:

Provided that in the case of property which has been transferred to it by the State Government the transfer under this section shall be subject to the previous sanction of the State Government:

Provided further that nothing in this section shall apply to leases of immovable property for a term not exceeding two years in total.

Execution of contracts

64. (*1*) The Nagar Panchayat or the Council, as the case may be, may enter into any contract necessary for the purposes of this Act.

(*2*) Every contract made by or on behalf of the Nagar Panchayat or the Council, as the case may be, in respect of any sum exceeding ten thousand rupees shall be sanctioned by the Nagar Panchayat or the Council, as the case may be, at a meeting and shall be in writing and shall be signed by at least two Councillors one of whom shall be the Chairperson or the Vice-Chairperson and in absence of both the Executive Officer. Every such contract shall be sealed with common seal of the Nagar Panchayat or the Council, as the case may be.

(*3*) Any contract made in contravention of sub-section (*2*) shall not be binding on the Nagar Panchayat or the Council, as the case may be.

Transfer of private roads, etc., to Nagar Panchayat or Council.

65. (*1*) The Nagar Panchayat or the Council at a meeting may agree with the person in whom the property in any road, bridge, tank, ghat, well, channel, or drain, vests to take over the property therein or the control thereof, and after such agreement may declare by notice in writing put up thereon or near thereto that such road, bridge, tank, ghat, well, channel or drain has been transferred to the Nagar Panchayat or the Council, as the case may be.

(2) On completion of the transfer, the property shall vest in the Nagar Panchayat or the Council, as the case may be, and shall thenceforth be repaired and maintained out of the municipal fund.

Acquisition of land.

66. When any land, whether within or without the limits of a municipality is required for the purposes of this Act, the State Government may, at the request of the Nagar Panchayat or the Council, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, and on payment by the Nagar Panchayat or the Council, as the case may be, of the compensation awarded under that Act and of any other charges incurred in acquiring the land, the land shall vest in the Nagar Panchayat or the Council, as the case may be. 1 of 1894.

Formation and custody for municipal fund.

67. (1) There shall be formed for each Nagar Panchayat and for each Council a municipal fund to be called the "Municipal Fund" and it shall be held by the Nagar Panchayat or by the Council, as the case may be, for the purposes of this Act and subject to the provisions thereof.

(2) The Municipal Fund shall vest in the Nagar Panchayat or the Council, as the case may be.

Credit of moneys to the municipal fund.

68. (1) There shall be credited to the municipal fund:—

(a) all sums received by or on behalf of the Nagar Panchayat or the Council under the provisions of this Act or of any other law for the time being in force or under any contract;

(b) the balance, if any, standing at the credit of the Nagar Panchayat or the Council at the commencement of this Act;

(c) all proceeds of the disposal of property by, or on behalf of, the Nagar Panchayat or the Council;

(d) all rents accruing from any property of the Nagar Panchayat or the Council;

(e) all moneys raised by any tax levied for the purposes of this Act;

(f) all fees payable and levied under this Act;

(g) all moneys received by the Nagar Panchayat or by the Council by way of compensation or for compounding offences under the provisions of this Act;

(h) all moneys received by, or on behalf of, the Nagar Panchayat or the Council from the State Government or private individuals by way of grants, contribution, gift or deposits; and

(i) all interest and profit, arising from any investment of, or from any transaction in connection with, any money belonging to the Nagar Panchayat or the Council.

(2) Nothing in this section or in this Act shall affect any obligation of a Nagar Panchayat or or a Council arising from a trust legally imposed upon or accepted by the Nagar Panchayat or by the Council, as the case may be.

Powers of the Nagar Panchayat or of the Council to borrow money.

69. (*1*) A Nagar Panchayat or a Council may, with the previous sanction of the State Government and subject to such conditions as may be prescribed as to security, the rate of interest and the repayment of principal and interest, borrow either from the State Government or any financial institution, any sum of money required or empowered to undertake under the provisions of this Act.

(*2*) Nothing contained in sub-section (*1*) or the rules made thereunder shall apply to grants or loans or advance made to a Nagar Panchayat or to a Council by any department, office or authority of the State Government or by any local authority or by any other institution towards, and for the purpose of, the implementation, achievement and accomplishment of community development schemes and a Nagar Panchayat or a Council may accept any such grant or loan which shall be regulated and governed by the terms on which, and the conditions subject to which, the same is made or advanced.

Application of municipal property and fund.

70. (*1*) All property vested in a Nagar Panchayat or in a Council under this Act, all funds received by it in accordance with the provisions of this Act and all sums accruing to under the provisions of any law for the time being in force shall, subject to the provisions of this Act, be applied for the purposes of this Act, within the limits of the municipality.

(2) Notwithstanding anything contained in sub-section (*1*), it shall be lawful for a Nagar Panchayat or a Council, as the case may be, subject to rules made under this Act:—

(*a*) to incur expenditure beyond the municipal limits on the acquisition of land, or on the construction, maintenance or repair of works, for the purpose of obtaining supply of water required for inhabitants of the municipality or on establishing slaughter houses or places for the disposal of night-soil or sewage or carcasses of animals or for drainage works, or for the purpose of providing mechnically propelled transport facilities for the conveyance of the public or for the purpose of setting up dairies or farms for the supply, distribution and procuring of milk—products for the benefit of the inhabitants of the municipality or for any other purpose calculated to promote the health, safety or convenience of the inhabitants of the municipality; or

(*b*) to take a contribution towards expenditure incurred by any other local authority or out of any public fund for measures affecting the health, safety or convenience of public calculated to benefit the residents within the limits of the contributing municipality; or

(*c*) to create scholarship tenable outside the limits of municipality; or

(*d*) to utilise the municipal fire brigade and other mechanical appliance beyond the municipal limits; or

(*e*) to make with the previous sanction of the State Government any other kind of contribution as may be deemed necessary by the Nagar Panchayat or the Council:

Provided that nothing in this section or in any other provision of this Act shall be deemed to make it unlawful for a Nagar Panchayat or a Council, when it has constructed works beyond the limits of the municipality for the supply of water or electrical energy or for drainage as aforesaid—

(*a*) to supply or extend to or for the benefit of any person or building or land in any place whether such place is not within the limits of the said municipality, any quantity of water or electrical energy not required for the purpose of this Act within the said municipality or the advantages afforded by the system of drainage works, on such terms and conditions with regard to payment and to the continuance or such supply advantages as shall be settled by agreement between the Nagar Panchayat or the Council, as the case may be, and such persons or the occupier or owner of such buildings or land; or

(*b*) to incur any expenditure on such terms with regard to payment as may be settled as aforesaid for the construction, maintenance, repair or charge of any connection pipe or any electric supply lines or other works necessary for the purposes of such supply or for the extension of such supply or for the extension of such advantages.

Budget

71. (*1*) A Nagar Panchayat or a Council at a meeting specially convened for the purpose, two months before the close of the financial year, shall prepare in such form and manner as may be prescribed, a budget showing *inter-alia* the probable receipts and expenditure during the enruing year and after such revision as may appear requisite it shall pass the budget and such budget shall be submitted to the Director for obtaining approval of the State Government:

Provided that if the approval is not intimated within one month from the date of the receipt of the budget by the State Government or the receipt of such other information as is called for by the State Government, it shall be taken that the budget is approved

(*2*) The Nagar Panchayat or the Council may, from time to time, revise any estimates of expenditure with the view of providing for any modification which it may deem advisable to make in the appropriation of the amount at its disposal and such revised budget shall be passed in the manner provided in sub-section (*1*).

(*3*) When the budget has been passed, the Nagar Panchayat or the Council shall not incur any expenditure under any of the heads of the budget in excess of the amount sanctioned under that head without making a provision for such excess by a revision of the budget in the manner specified in sub-section (*2*).

Accounts and audit.

72. (1) Every municipality shall maintain such accounts for every financial year in such forms as may be prescribed and submit such statement to the Deputy Commissioner, the Director and the State Government and such accounts shall be audited by the Director, Local Fund Audit and Accounts of the Government of Manipur in such manner as may be prescribed.

(2) The municipality shall comply with such directions as the State Government may deem fit to issue after going through the audit report respecting it.

(3) The municipality shall pay out of the municipal fund such sum as may be determined by the State Government by way of charges for such audit.

Finance Commission for municipalities.

26 of 1994.

73. (1) The State Finance Commission constituted under section 97 of the Manipur Panchayati Raj Act, 1994, shall also review the financial position of the municipalities and make recommendations to the Governor as to—

(a) the principles which should govern—

(i) the distribution between the State and the municipalities of the net proceeds of the taxes, duties, tolls and fees leviable by the State, which may be divided between them under this Act and the allocation between the municipalities at all levels of their respective shares of such proceeds;

(ii) the determination of the taxes, duties, tolls and fees which may be assigned to, or appropriated by, the municipalities;

(iii) the grant-in-aid to the municipalities from the Consolidated Fund of the State;

(b) the measures needed to improve the financial position of the municipalities;

(c) any other matter referred to the Finance Commission by the Governor in the interests of sound finance of the municipalities

(2) The Governor shall cause every recommendation made by the Commission under this section together with an explanatory memorandum as to the action taken thereon to be laid before the Legislature of the State.

CHAPTER VIII

MUNICIPAL TAXATION

Power to impose taxes by and the funds of the municipalities.

74. The State Government may, from time to time, by notification in the Official Gazette—

(a) authorize a municipality to levy, collect and appropriate such taxes, duties, tolls and fees in accordance with such procedure and subject to such limits to be prescribed by it;

(*b*) assign to a municipality such taxes, duties, tolls and fees levied and collected by the State Government for such purposes and subject to such conditions and limits to be prescribed by it;

(*c*) provide for making such grant-in-aid to the municipalities from the Consolidated Fund of the State.

Taxes which may be imposed.

75. (*1*) Subject to the provisions of this Chapter and with the previous approval of the State Government, municipality may, from time to time, impose in the whole or in any part of the municipality any of the following taxes and tolls, namely:—

(*a*) a tax on holding situated within the municipality assessed on their annual value, payable by the owner of the building or land or both;

(*b*) a tax on all or any of the vehicles, other than covered by the Motor Vehicles Act, 1988, or animals used for riding, driving, draught or burden and used within the limits of the municipality whether they are actually kept within or outside the said limits; 59 of 1988

(*c*) an octroi on goods brought within the limits of the municipality for sale, consumption or use within such limits;

(*d*) a latrine-tax payable by the owners or occupiers for collections, removal and disposal of excrement or offensive matter from latrines, privies, urinals, cess-pools or compounds by the municipality within the limits of the municipality;

(*e*) a scavenging-tax;

(*f*) lighting-tax where the lighting arrangement is made by the municipality;

(*g*) a drainage tax where a system of drainage has been introduced by the municipality;

(*h*) a tax on deeds of transfer of immovable property situated within the limits of the municipality;

(*i*) a tax on advertisements made within the limits of the municipality other than non-commercial undertaking advertisements published in newspapers;

(*j*) a water-tax where water is supplied by the municipality;

(*k*) market fees on person exposing goods for sale in any market or any place belonging to or under the control of the State Government or of the municipality;

(*l*) a betterment charge on properties the value of which may be increased as a result of town planning scheme implemented by the municipality; and

(*m*) any other tax, toll, rate, charge or fee.

(2) With the previous sanction of the State Government a municipality may, from time to time, charge a fee in respect of the issue and renewal of any licence which may be granted by the municipality under this Act and in respect of which no fee is leviable under sub-section (1).

Manipur Act 26 of 1976.

(3) Subject to the provisions of any law that may be made by Parliament, any tax or fee which immediately before the commencement of this Act, was being lawfully levied under the Manipur Municipalities Act, 1976 notwithstanding that such tax or fee is not specified in sub-section (1) shall continue to be levied by the Nagar Panchayat or, as the case may be, by the Council.

(4) The State Government may from time to time direct the municipality to impose any tax or to modify the rate of any tax already imposed.

(5) On default of the municipality to comply with the decision under sub-section (4) within three months from the receipt of the direction the municipality may be required to furnish reason as to why the tax should not be imposed or modified, as the case may be.

Tax on Government holdings.

76. Notwithstanding any provisions to the contrary all municipal taxes including services charges except under clause (*a*) of sub-section (1) of section 75 in respect of Government holdings shall be payable to municipality by the Government Department which is in control and management of the holdings.

Restriction regarding tax on holding.

77. The State Government shall have the power to exempt by an order published in the Official Gazette any class of building or holding from levying any tax under section 75 of this Act.

Collection of taxes are subject to bye-law, etc.

78. All the taxes mentioned in section 75 shall be collected in the manner provided in the bye-laws.

Nagar Panchayat or Council to determine the valuation of holdings.

79. When it has been decided to impose any tax on the annual value of holdings, the assessor after making such enquiries as may be necessary, shall determine the valuation of all holdings within the municipality as hereinafter provided, and shall enter the same in a list called the valuation list, which shall be in the prescribed form:

Provided that valuation other than general valuation may be made by the municipality through such person as may be authorised by the municipality in this behalf.

Returns required for ascertaining annual value.

80. The assessor, in order to prepare the valuation list, may whenever he thinks fit, by notice require the owners or occupiers of all holdings to furnish him, within fifteen days with returns of the rent or annual value thereof and a description of the holdings in such detail as the municipality may direct; and the assessor, at any time between sunrise and sunset may enter, inspect and measure any such holdings:

Provided that at least forty-eight hours' previous notice of the intention to enter, inspect and measure any holding shall be given to the owner or occupier thereof, unless he waives his right to such notice.

Penalty for default in furnishing return and for obstruction of assessor.

81. (*1*) Whoever refuses or fails to furnish any such return for the period of fifteen days from the day on which he has been required to do so, or knowingly furnishes a false or incorrect return or description shall be punishable with fine not exceeding five hundred rupees and with further fine not exceeding fifty rupees for each day during which he omits to furnish a true and correct return.

(*2*) Whoever obstructs, hinders or prevents the assessor appointed by the municipality from entering or inspection or measuring any such holding shall be punishable with fine not exceeding two thousand rupees.

Determination of annual value of holding.

82. "Annual value" means—

(*a*) in the case of hotels, colleges, schools, hospitals, factories and such other buildings, a proportion not exceeding five per centum, to be fixed by rule made in this behalf of the sum obtained by adding the estimated present cost of erecting the building, less depreciation at the rate to be fixed by rule to the estimated value of the land appurtenant thereto, and

(*b*) in the case of a building or land not falling within the provisions of clause (*a*), the gross annual rent for which such buildings, exclusive of furniture or machinery therein or such land is actually let, or where the building or land is not let or in the opinion of the municipality is let for a sum less than its fair letting value, might reasonably be expected to let from year to year:

Provided that where the annual value of any building would, by reason of exceptional circumstances, in the opinion of the municipality be excessive if calculated in the aforesaid manner, the municipality may fix the anuual value at any less amount which appears to it suitable:

Provided further that the rules framed in this behalf shall be subject to the prior approval of the Government.

Determination of rate of tax on holding.

83. The mode of procedure and system of tax on the land and holdings will be such as may be prescribed by the rules to be framed by Government from time to time in this behalf.

Preparation of assessment register.

84. As soon as possible after the percentage at which the tax is to be levied shall have been determined under section 83, the municipality shall cause to be prepared an assessment register which shall contain the following particulars, and any other matters which the municipality may think proper to include—

(*a*) number of the holding on the register with the name of the road, if any, in which the holding is situated;

(*b*) annual value of the holding (as stated in the valuation list);

(*c*) names of owner and occupier;

(*d*) amount of tax payable for the financial year;

(*e*) amount of taxes payable separately under clause (*c*), (*d*), (*f*) or (*i*) of sub-section (*1*) of section 75;

(*f*) amounts of quarterly instalments; and

(*g*) if the holding is exempted from assessment, a note to that effect.

Powers to assess consolidated tax for building and land on which it stands.

85. (*1*) If any building belongs to one owner and the land on which it stands and any adjacent land which is usually occupied therewith belongs to another the municipality may value such building and land together and may impose thereon one consolidated tax.

(*2*) The total amount of the tax shall be payable by the owners of the building, who shall thereafter be entitled to deduct from the rent which he pays for the land such proportion of the tax so paid by him as is equal to the proportion which such rent bears to the annual value of the holdings.

(*3*) In case of disputes, the municipality shall determine what amount the owner of the building and of the land shall pay respectively.

Reduction of valuation, revision of valuation and assessment and revision of valuation list and assessment register.

86. (*1*) The municipality may, at any time, direct an alteration in, or amendment of the assessment register—

(*a*) by entering therein the name of any person or any property which in its opinion ought to have been entered, or any property which has become liable to taxation after the preparation of the assessment register, or

(*b*) by substituting therein with effect from the date of succession or transfer, as the case may be, for the name of the owner of any holding the name of any other person who has succeeded by transfer or otherwise, to the ownership of the holding, or

(*c*) by altering the valuation of or assessment on any holding which in its opinion has been incorrectly valued or assessed, or

(*d*) by re-valuing or re-assessing any holding the value of which has been increased by additions or alterations to buildings, or

(*e*) by reducing, upon the application of the owner the valuation of any holding which has been wholly or partly demolished or destroyed, or the value of which has diminished from any cause beyond the control of the owner, or

(*f*) by correcting any clerical or arithmetical error.

(*2*) The municipality shall give at least one month's notice to any person interested in any alteration which the municipality proposes to make under clause (*a*), (*b*), (*c*) or (*d*) of sub-section (*1*).

(*3*) Every alteration made under sub-section (*1*) in the assessment register shall be signed by the Chairperson or the Vice-Chairperson.

Notice to be given to Chairperson of transfers of title of persons liable to payment of tax

87. (*1*) Whenever the title to any holding is transferred both the transferor and the transferee shall for the purpose of clause (*b*) of sub-section (*1*) of section 86 within three months after the execution of the instrument of transfer, or if no such instrument is executed, within three months after the transfer is effected, give notice in writing of such transfer to the municipality.

(2) In the event of the death of the person in whom such title vests, the person to whom as heir or otherwise, the title of the deceased is transferred by descent or demise, shall within one year, from the death of the deceased, give notice in writing of such succession to the municipality.

(3) Every person liable for the payment of taxes on any holding, who transfers his title to or over such property, without giving notice of such transfer to the municipality, as aforesaid, shall unless the municipality on the ground of hardship arising out of special circumstances, otherwise directs, continue to be liable for the payment of all such taxes from time to time payable in respect of the said property until he gives such notice, or until the transfer shall have been recorded in the municipal books.

(4) The municipality may levy a fee not exceeding one hundred rupees for every such transfer of title to a holding in addition to the tax provided for in clause (a) of sub-section (1) of section 75.

Revision of valuation list

88. (1) A new valuation list shall, unless otherwise ordered by the State Government, be prepared in the same manner as the original list, once in every five years.

(2) Subject to any alteration or amendment made under section 86 and to the result of any application made under section 95 every valuation list or the assessment register shall be valid from the date on which the list or register takes effect in the municipality.

Appointment of assessor and power of State Government to direct the appointment of assessor

89. (1) The municipality, for the purpose of general valuation may, with the concurrence of the Government, appoint an assessor who shall neither be an employee nor a Councillor of the municipality on such pay and with such establishment as it may determine.

(2) Notwithstanding anything contained in section 88 if at any time it appears to the State Government that the valuation in any municipality is insufficient, excessive or inequitable, the State Government may, by an order in writing, require the municipality to revise the valuation or to show cause against revision within a specified time, and if the municipality fails to comply with the order or in the opinion of the Government the cause shown is inadequate, the State Government may by an order in writing require the municipality to appoint with the approval of the State Government an assessor for the municipality within a time and for a period to be specified in the order. The order shall fix the pay of the assessor and the cost of his establishment, and the pay and cost shall be paid monthly by the municipality.

Revision of assessment register

90. Whenever the valuation list is revised or altered wholly or in part or a new percentage is fixed under section 83 the assessment register also shall be revised and all consequential changes, made therein.

Effect of revision of assessment register

91. The first assessment register prepared for any municipality under the Act and any revision thereof or alteration therein made under the foregoing section shall subject to the provision of sections 86 and 96 take effect, from the beginning of the quarter following the publication of the notice mentioned in section 96.

Exemptions and remission.

92. (*1*) The taxes mentioned in clauses (*a*), (*g*) and (*l*) of sub-section (*1*) of section 75 shall not be assessed or levied on any building which is used exclusively as a place of public worship, or on any holding which is duly registered as a public burial or burning ground under this Act.

(*2*) The municipality may exempt from assessment of the tax mentioned in clause (*a*) of sub-section (*1*) of section 75 on any holding used for the purpose of a public charity.

(*3*) The municipality may reduce the amount payable on account of any of the taxes mentioned in clauses (*a*), (*b*), (*f*) and (*i*) of sub-section (*1*) of section 75 or remit the same on the ground of excessive hardship to the person liable to pay the same:

Provided that such reduction or remission shall not, unless renewed by the municipality, have effect for more than one financial year.

Power of assessor.

93. An assessor appointed by the municipality under section 89 shall exercise all such powers of valuation as may be vested in him by the municipality or as may be prescribed.

Publication of notice of assessment.

94. (*1*) When the valuation list mentioned in section 79 and the assessment register mentioned in section 84 shall have been prepared or revised the Chairperson shall sign the same and shall cause them to be deposited in the office of the Nagar Panchayat or as the case may be, of the Council, and shall cause a notice to be published in such form and manner as may be prescribed.

(*2*) In all cases in which any property is for the first time assessed or the assessment is increased, the Executive Officer shall also give notice thereof to the owner or occupier of the property.

Application for review.

95. (*1*) Any person who is dissatisfied with the amount assessed upon him or with the valuation or assessment of any holding or who disputes his occupation of any holding or his liability to be assessed, may apply to the municipality to review the amount of assessment of valuation or to exempt him from the assessment of tax:

Provided that no application shall be entertained unless the applicant has paid all arrears of dues to the municipality accorded up to the date of such application other than the sum which has been enhanced by the valuation or assessment against which the review application has been filed.

(*2*) When an assessor has been appointed under section 89 notice of every such application shall be given by the municipality to the assessor.

Procedure for review.

96. (*1*) Every application presented under section 95 shall be heard and determined by a Committee consisting of not more than five members.

(*2*) The Chairperson or the Vice-Chairperson shall be one of the members of such committee *ex officio,* and the other members shall be appointed from among the Councillors by the Nagar Panchayat or, as the case may be, by the Council:

Provided that no member so appointed shall take part in hearing or determining any application from the ward in which he resides, or in the case of an elected member the ward which he represents, but nothing in this proviso, shall prevent any such member from giving evidence with regard to the matter under enquiry.

(3) No such application shall be heard or determined by the committee unless at least three members including the Chairperson or the Vice-Chairperson are present.

(4) The committee shall give notice to the applicant of the time and place at which application shall be heard, and after taking such evidence and making such enquiries as may be deemed necessary in the presence of the objector or his agent, if he appears the committee shall pass such orders as it may deem fit in respect of such application.

(5) If the committee orders that any valuation to which the application relates shall be reduced, brief reasons for such reduction shall be recorded.

(6) The decision of the committee or of a majority of the members thereof, in respect of any application referred to in this section shall be final.

Limitation of time for application for review.

97. Unless good cause shall be shown to the satisfaction of the committee referred to in section 96 for extending the time allowed, and save as is otherwise expressly provided in this Act, no such application shall be received after the expiry of one month from the date of publication of the notice required by section 94 relating to the list or register containing the assessment, in respect of which the application is made, or after the expiry of fifteen days from the date of service of the first notice of demand for payment at the rate in respect of which the application is made whichever period shall last expire:

Provided that, if the municipality has served a notice under section 94 on any person, no such application shall be received from him after the expiry of fifteen days from the date of such service.

Assessment to be questioned only under Act.

98. No objection shall be taken to any assessment or valuation in any other manner than is provided in this Act.

Tax not invalid for want of form.

99. No assessment of tax on property and no charge or demand of any tax made under authority of this Act shall be invalid for error, defect in form, and it shall be enough in any valuation or assessment for purpose if the property so valued or assessed is so described as to be generally known and it shall not be necessary to name the owner or occupier thereof.

Procedure for imposing taxes, recovery of claims etc.

100. The various procedure that may be prescribed by the Government from time to time will be followed for imposing and recovery of tax, tolls, fees and rates under this Act.

CHAPTER IX

RECOVERY OF MUNICIPAL CLAIMS

Recovery from occupier of tax due from non-resident.

101. If any tax payable under this Act by the owner of any holding remains unpaid after the notice of demand has been duly served, and if such owner is not resident within the municipality, or the place of abode of such owner is unknown, the tax may be recovered from the occupier for the time being of such holding, who may deduct, from the next and following payments of his rent the amount which may be so paid by or recovered from him:

Provided that if any such holding is occupied by more than one person, the sum to be recovered from any one of such persons shall be proportionate to the value of the part of the holding in the respective occupation of such persons.

Recovery from owner of occupier's tax in certain cases.

102. If any holding is occupied by more than one tenant holding severally it shall be lawful for the municipality, to recover from the owner of such holding, any taxes payable under this Act by the occupier of the holding.

Recovery by owner of occupier's tax paid by owner.

103. Whenever any tax shall be recovered from any owner of any holding under the provisions of section 102, it shall be lawful for such owner, if there shall be but one occupying tenant of such entire holding, to recover from such tenant of the entire amount of the tax which shall have been so paid by such owner, and if there shall be one occupying tenant of a part of such holding, or more than one occupying tenant of such holding then to recover from each tenant such sum as shall bear to the entire amount of tax which may have been so recovered from such owner at the same proportion as the value of the proportion of such holding in the occupation of each tenant bears to the entire value of such holding.

Method of recovery by owner.

104. Every owner who under the provisions of section 102 may be entitled to recover any sum from any occupying tenant of any holding or of any portion thereof, shall have for the recovery of such sum all such and the same remedies, powers, rights and authorities as if such sum were rent payable to such owner by such tenant in respect of so much of such holding as may be in the occupation of such tenant.

Penalty.

105. Whoever keeps or is in possession of any cart, carriage or animal without the licence as required under this Act shall be liable to a fine not exceeding four times the fee payable by him in respect of such licence, in addition to the licence fee due.

Municipality may compound with livery stablekeepers.

106. The municipality, may compound for any period not exceeding one year, with livery stablekeepers and other persons keeping carts, carriages or animals for hire, for a certain sum to be paid for the carts, carriages or animal so kept by such person in lieu of the licence fees specified in any order made by the municipality.

Rents, tolls and fees in respect of markets.

107. (*1*) The municipality may use its own land or building, or purchase, take on lease or otherwise acquire any land or building for the purpose of establishing a municipal market or improving any existing municipal market.

(2) The municipality may levy rents, tolls and fees at such rates as it may think proper for the right to expose goods for sale in a municipal market and for the use of shops, stalls and standings therein and may also regulate such rates in respect of private markets or places used or declared by the municipality as a market place by a public notice in the locality.

(3) The municipality may grant a lease for a period not exceeding three years for collection of rents, tolls and fees in municipal markets at the rates fixed by the municipality under sub-section (2)

(4) A lessee of a municipal market appointed under sub-section (3) may refuse to allow any person to expose goods for sale in the market or to use shops, stalls and standings therein until the proper rents, tolls and fees have been paid.

(5) Whoever, having rendered himself liable to the payment of rents, tolls or fees refuses to pay the same shall be punishable with fine which may extend to five hundred rupees.

(6) When resistance is offered to any person authorised to collect rents, tolls or fees, any police officer whom he may call to his aid, shall be bound to assist him; and such police officer shall, for that purpose have the same powers as he has in the exercise of his ordinary police duties.

Recovery of taxes as arrears of land revenue.

108. (1) Where any sum is due on account of a tax, other than octroi or tolls or any similar tax payable upon immediate demand, from a person to a municipality, the municipality may, without prejudice to any other mode of recovery provided in this Act apply to the Deputy Commissioner to recover such sum together with costs of proceedings incurred in that behalf.

(2) The Deputy Commissioner, on being satisfied that the sum mentioned in the application under sub-section (1) is due, shall proceed to recover it as soon as may be thereafter, as arrears of land revenue.

Power to sell unclaimed holdings for money due.

109. (1) If money be due under this Act in respect of any holding from the owner thereof, on account of any tax, expenses or charges recoverable under this Act, if the owner of such holding or his whereabouts are unknown or the ownership thereof is disputed or when the owner lives outside the municipality and has failed to pay it in spite of service of demand notice twice, the municipality may publish twice, at an interval of three months, a notification of sale of such holding and after the expiry of not less than three months from the date of the last publication, unless the amount recoverable be paid, may sell such holding to the highest bidder, who shall, at the time of sale, deposit forthwith twenty-five per cent. of the purchase money. The balance shall be paid within fifteen days of the date of sale. In default of payment of the balance amount, the money if any, so deposited shall be forfeited and the holding shall be re-sold. After deducting the amount due to the municipality, the surplus sale-proceeds, if any, shall be credited to the municipal fund and may be paid on demand to any person who establishes his right of claim to the satisfaction of such municipality or in a Court of competent jurisdiction.

(2) Any person may pay the amount due at any time before the completion of the sale and may recover such amount by a suit in a Court of competent jurisdiction from any person beneficially interested in such property.

Writing off irrecoverable sums due to the Nagar Panchayat or to the Council.

110. The irrecoverable sum due to a Nagar Panchayat, or as the case may be, to a Council may be written off in such manner and by such authority as may be prescribed.

CHAPTER X

MUNICIPAL POWER AND OFFENCES

Powers in respect of road

Power to make roads.

111. (*1*) A Nagar Panchayat or as the case may be, a Council may—

(*a*) layout or make new public road; or

(*b*) widen, open, enlarge or otherwise improve any public road and construct tunnels and other works subsidiary to such road; or

(c) divert, discontinue or close permanently any public road; or

(*d*) sell or lease the land forming such road or any part thereof, acquired for the purpose of such road or for any other purpose of this Act:

Provided that no such public road shall be discontinued, permanently closed or used for any other purposes without the previous sanction of the Government.

(*2*) In laying out, making, turning, diverting, widening, opening, enlarging or otherwise improving any public road, the Nagar Panchayat or the Council may, in accordance with the provisions of this Act, acquire land required for the carriage-way, footways and drains thereof.

Power to repair, etc. of private road, drains, etc.

112. (*1*) Where a Nagar Panchayat or a Council considers that in any road not being a public road, or in any part of such road within the municipality, it is necessary for the public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning thereof, the Nagar Panchayat or as the case may be, the Council may, by written notice, require the owner or owners of the several lands or buildings fronting or adjoining the said road or abutting thereon to carry out such work in such manner and within such time as may be specified in such notice.

(*2*) If the notice under sub-section (*1*) is not complied with, such work may be executed by the Nagar Panchayat or the Council, the expenses thereby incurred, shall be apportioned by the Nagar Panchayat or the Council, between such owners, and in such manner as it may think fit, regard being had, if it deems it necessary, to the amount and value of any work already done by the owners or occupiers of such lands and buildings.

(*3*) After such work has been carried out by the owner or by the owners or on the failure of the owners to do so, by the Nagar Panchayat or the Council at the expenses of such owners the road or part thereof in which such work has been done, may, and on the joint requisition of a majority of the said owners, shall be declared by public notice put up therein by the Nagar Panchayat or the Council to be a public road.

Prohibition of use of public roads by a class of animals, carts or vehicles.

113. (*1*) The Nagar Panchayat or as the case may be, the Council may, by public notice prohibit or regulate the driving, riding or leading of animals or vehicles of any particular kind along any public road or part of any such road.

(2) Any person who disobeys an order passed by the Nagar Panchayat or as the case may be, the Council under the provisions of sub-section (1) shall be punishable with fine not exceeding two hundred rupees.

Penalty for encroachment on public roads, etc.

114. Any person, who without the permission of the Nagar Panchayat or of the Council:—

(a) encroaches upon any public road or house gully or upon any public drain, sewer, aqueduct, water-course or that by making any excavation or by erecting any wall, fence, rail, post, projection or other obstruction, or by deposing any movable property thereon, or

(b) takes up or alters the pavements or other materials, fences or posts on any public road,

shall, for every such offence, be punishable with fine not exceeding two thousand and five hundred rupees and with a further fine not exceeding two hundred rupees for every day during which the encroachment continues after the first conviction.

Use of public road or place by vendors and other person and penalty thereof.

115. (1) Subject to the provisions of this Act and the rules and bye-laws made thereunder, no itinerant vendor or any other person shall use or occupy any public road or place for the sale of articles or for the exercise of any calling, or for setting up any booth or stall without the permission of the Nagar Panchayat or of the Council.

(2) Whoever violate the provision of sub-section (1) shall be punishable with fine which may extend to two thousand five hundred rupees and with fine which may extend to five hundred rupees for every subsequent offence after the first conviction.

Power to remove obstructions, encroachments and projection, in or on public road, etc.

116. The Nagar Panchayat or as the case may be, the Council may, notwithstanding any proceedings which may have been started against him under this Act, issue a notice requiring any person to remove any building which he may have built or any fence, rail, post or other obstruction or encroachment which he may have erected or stacked, on any part of a public road, house-gully, public drain, sewer, aqueduct, water-course, ghat or any land vested in the Nagar Panchayat or in the Council and, if such person fails to comply with such requisition within forty-eight hours of the receipt of the same, the Sub-Divisional Magistrate may, on the application of the Nagar Panchayat or of the Council, order that such obstruction or encroachment be removed and thereupon the Nagar Panchayat or the Council may remove any such obstruction or encroachment and the expenses thereby incurred shall be paid by the person who erected or stacked the same.

Procedure when person who erected obstruction cannot be found.

117. (1) If the person who built erected or stacked the said building, fence, rail, post or other obstruction or encroachment referred to in the preceding section is not known or cannot be found, the Nagar Panchayat or as the case may be, the Council may cause a notice to be posted in the neighbourhood of the said building, fence, rail, post or other obstruction or encroachment requiring any person interested in the same to remove it, and it shall not be necessary to name any person in such requisition.

(2) If the said building fence, rail, post or other obstruction or encroachment be not removed in compliance with the requisition contained in such notice within forty-eight hours of the posting of the

same, the Sub-Divisional Magistrate may, on the application of the Nagar Panchayat or as the case may be, the Council, order that such obstruction or encroachment be removed, and thereupon the Nagar Panchayat or as the case may be, the Council may remove any such obstruction or encroachment, and may recover the cost of such removal, by sale of the materials so removed.

(*3*) The surplus sale-proceeds, if any, shall be credited to the Municipal Fund, and may be paid on demand to any person who established his right to the satisfaction of the Nagar Panchayat or as the case may be, the Council or in any court of competent jurisdiction.

Projections from buildings to be removed.

118. (*1*) The Nagar Panchayat or as the case may be, the Council may issue a notice requiring the owner or occupier of any building to remove or alter any projection, obstruction or encroachment erected or placed against or in front of such building, if the same overhangs the public road or just into or any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public road or house-gully, or obstructs, or projects or encroaches into or upon any drain, sewer or aqueduct in any public road or into or upon any public water-course or ghat or any land in the Nagar Panchayat or the Council, as the case may be.

(*2*) If such owner or occupier fails to comply with such requisition within forty-eight hours of the receipt of the notice, or within such further time as the Nagar Panchayat or the Council may allow, the Sub-Divisional Magistrate may, on the application of Nagar Panchayat or of the Council, order that such projection, obstruction or encroachment be removed or altered; and thereupon the Nagar Panchayat or the Council may remove or alter such projection, obstruction or encroachment, and any reasonable expense incurred for the purposes of such removal or alteration shall be recovered from the defaulting owner or occupier.

(*3*) If the expense of removing or altering any such structure or fixture is paid by the occupier of the building, in any case in which the same was not erected by himself, he shall be entitled to deduct any reasonable expense incurred for the purposes of such removal or alteration from the rent payable by him to the owner of the building.

Power of the District Magistrate and Sub-Divisional Magistrate to remove encroachment summarily on requisition by the Government.

119. Notwithstanding anything contained in sections 116 and 118, a District Magistrate or a Sub-Divisional Magistrate shall, on being so required by the Government, order any person responsible for any obstruction or encroachment or projection as specified in sections 116 and 118 to remove or alter such obstruction or encroachment or projection within a period of not less than forty-eight hours and on non-compliance the District Magistrate or the Sub-Divisional Magistrate as the case may be, shall remove such obstruction or encroachment or projection and realise the expenses, thereby incurred from the person concerned as fine in a Criminal Court:

Provided that in case the person or persons responsible for such obstruction, encroachment or projection is or are not known or cannot be found the procedure laid down in section 117 shall be followed.

Effect of order made under section 116, 117, 118 or 119.

120. Every order made by a Sub-Divisional Magistrate or a District Magistrate as the case may be, under section 116, 117, 118 or 119 shall be deemed to be an order made by him in the discharge of his judicial duty and the Nagar Panchayat or as the case may be, the Council, shall be deemed to be person bound to execute such order within the meaning of the Judicial Officer's Protection Act, 1850. Act XVII of 1850.

Nagar Panchayat or Council may require land holders to trim hedges, etc.

121. The Nagar Panchayat or as the case may be, the Council may require the owner or occupier of any land within three days to trim or prune the hedges thereon bordering on any public road or drains, and to cut and trim any trees or bamboos thereon overhanging the public road, drain, or tank, or any well used for drinking purpose or obstructing any public road or drain or causing or likely to cause damage to any public road or drain or any property of the Nagar Panchayat or of the Council or likely to cause damage to person using any public road or likely to foul the water of any well or tank.

Penalty for disobeying requisition under section 116, 117, 118 or 119.

122. Whoever, being the owner or occupier of any house on land within a municipality, fails to comply with a requisition issued by the Nagar Panchayat or as the case may be, the Council under the provisions of section 116, 117, 118 or 119 shall be punishable with fine not exceeding two thousand rupees, and with a further fine not exceeding one hundred rupees for every day during which the default is continued after the first conviction.

Names of public roads and number of buildings.

123. (*1*) The Nagar Panchayat or as the case may be, the Council may cause a name to be given to any public road and to be fixed in such place as it may think fit, and may also cause a number to be affixed to every building, and in like manner may, from time to time, cause such names and numbers to be altered.

(*2*) Any person who destroys, pulls down, defaces or alters any name or number put up by the Nagar Panchayat or as the case may be, the Council under sub-section (*1*) shall, for every such offence be punishable with fine which may extend to two hundred rupees.

Building

Erection of building without sanction.

124. (*1*) No person shall erect, materially alter or re-erect or commence to erect, materially alter or re-erect any building without the sanction of the Nagar Panchayat or of the Council, as the case may be.

(*2*) Every person who intends to erect, materially alter or re-erect any building shall give notice in writing to the Nagar Panchayat or as the case may be, to the Council of such erection.

(*3*) When bye-laws have been framed under this Act no notice under sub-section (*2*) shall be considered to be valid until such notice has complied with the provision of the bye-laws.

Explanation.—An alteration in a building for the purposes of this section and of bye-laws be deemed to be material if it—

(*a*) affects or is likely to affect prejudicially the stability or safety of the building, or the condition of the building in respect of drainage, ventilation, sanitation or hygiene;

(*b*) increase or diminishes the height or area covered by, or the cubical capacity of the building, or of any room in the building.

(*4*) In the municipalities where water works are maintained it shall be compulsory for persons erecting or re-erecting buildings costing rupees two lakhs or more (excluding cost of land and of improvement of land) to install sanitary latrines. The municipality shall withhold sanction if the plan and specification of the building submitted with the notice do not contain provision for installation of samitary latrines.

Special provision for cases where bye-laws have not been made.

125. In any case in which no bye-laws have been made under this Act the Nagar Panchayat or as the case may be, the Council may, within fourteen days of the receipt of the notice required by sub-section (*2*) of section 124, require a person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which bye-laws might have been made and in such case the notice shall not be valid until such information has been furnished.

Powers of Nagar Panchayat or the Council to sanction or refuse.

126. (*1*) Within sixty days after the receipt of the notice, required by sub-section (*2*) of section 124, the Nagar Panchayat or as the case may be, the Council may refuse to sanction the building or may sanction it either absolutely or subject to such modification as it may deem fit in respect of all or any of the matters specified in bye-laws and the person erecting, materially altering or re-erecting any such building as aforesaid shall comply with the sanction of the Nagar Panchayat or as the case may be, the Council as granted in every particular.

(*2*) When within a period of sixty days, the Nagar Panchayat or the Council fails, after the receipt of a valid notice, to make and deliver to the person who has given such notice, an order of sanction or refusal in respect thereof, it shall be deemed to have sanctioned the proposal of building absolutely:

Provided that the time taken by the applicant in furnishing any information requisitioned by the Nagar Panchayat or by the Council, if any, after the receipt of the valid notice shall not be counted in the period of sixty days referred to in this sub-section.

Explanation.—The Nagar Panchayat or the Council may refuse to sanction the erection, material alteration or re-erection of any building either on the grounds affecting the particular building or in pursuance of general scheme adopted by the Nagar Panchayat or by the Council at a meeting restricting the erection or re-erection of building or any class of building within specified limits for the prevention of overcrowding, or in the interest of the residents within such limits or for any other public purpose. Permission may also be refused in any case in which there is any dispute between the Nagar Panchayat or as the case may be, the Council and the applicant as to the title of the land

on which it is proposed to erect the building until such dispute is decided.

Lapse of sanction.

127. A permission to erect, materially alter or re-erect building granted under this Chapter or deemed to have been given by the Nagar Panchayat or as the case may be, the Council, shall unless it is renewed on an application made to the Nagar Panchayat or the Council for this purposes continue only for one year after the date on which it is granted.

Penalty for building without or in contravention of sanction.

128. Whoever erects, materially alters or re-erects or commences to erect, materially alter or re-erect any building without the previous sanction or the Nagar Panchayat or as the case may be, the Council or in contravention of any directions given by the Nagar Panchayat or as the case may be, the Council granting sanction under section 123 shall be liable to a fine not exceeding one thousand rupees for every such offence, and to a further fine not exceeding two hundred rupees for each day during which the offence is continued after his first conviction.

Power of a Nagar Panchayat or a Council in case of disobedience.

129. (1) If the construction of a building is started, or if a building is materially altered or erected—

(a) without sanction as required by section 126 (1); or

(b) without notice as required by section 124 (2); or

(c) when sanction has been refused; or

(d) in contravention of the terms of any sanction granted; or

(e) when the sanction has lapsed; or

(f) in contravention of any bye-laws made under clause (vi) of sub-section (1) of section 209,

Nagar Panchayat or as the case may be, or the Council may, by notice to be delivered within a reasonable time, require the building to be altered or demolished as it may deem necessary, within the period of thirty days from the date of the service of such notice:

Provided that the Nagar Panchayat or as the case may be, or the Council may instead of requiring the alteration or demolition of any such building accept by way of composition such sum as it may deem reasonable.

(2) Any person who fails to comply with a requisition issued by the Nagar Panchayat or as the case may be, or the Council under the provisions of sub-section (1) shall be liable to a fine not exceeding five hundred rupees and to a further fine not exceeding one hundred rupees for every day during which the person continues to make such default after service on him of such requisition.

Roofs and external walls not to be made of inflammable materials.

130. The Nagar Panchayat or as the case may be, the Council by written notice, may require any person who has made any external roof or wall with thatch mats, leaves or other inflammable materials and in contravention of bye-laws made under section 209 to remove or alter such roof or wall within a period to be specified in the notice.

Power to attach brackets for lamps.

131. The Nagar Panchayat or as the case may be, the Council may, attach or cause to be attached to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Building unfit for human habitation

122. (*1*) If a building, or a room in a building is in the opinion of the Nagar Panchayat or as the case may be, the Council unfit for human habitation in consequence of the want of proper means of drains or ventilation or otherwise, the Nagar Panchayat or as the case may be, the Council may, by notice, prohibit the owner or occupier thereof from using the building or room for human habitation or suffering it to be so used whether absolutely or not unless, within a time to be specified in the notice he effects such alteration therein as is specified in the notice.

(*2*) Upon failure of a person to whom notice is issued under sub-section (*1*) to comply therewith, the Nagar Panchayat or as the case may be, the Council may require by further notice the demolition of the building or room.

(*3*) Any person who uses a building or room or suffers to be used contrary to the provision of sub-section (*1*) shall be punishable with fine not exceeding five hundred rupees, and with a further fine not exceeding one hundred rupees for every day during which the offence is continued after the first conviction.

Fencing of building in dangerous state.

133. (*1*) A Nagar Panchayat or as the case may be, a Council may require by notice the owner or occupier of any land or building—

(*a*) to demolish, secure or repair within eight days from the date of service of the notice in such manner as it deems necessary any building, portion of a building, wall or other structure or anything affixed thereto which appears to it to be in ruinous condition or dangerous to inmates if any, passers-by or other property, or

(*b*) to repair, secure or enclose, within eight days from the date of service of the notice, in such manner as it deems necessary any tank, well or excavation belonging to such owner or in the possession of such occupier which appear to the Nagar Panchayat or the Council to be dangerous to persons by reason of its situation, want of repairs or other such circumstances.

(*2*) Where it appears to the Nagar Panchayat or the Council that immediate action is necessary for the purpose of preventing imminent danger to any person or property, it shall be the duty of the Nagar Panchayat or as the case may be, of the Council to take immediate action and recover the expense so incurred from the owner or occupier of the building or the owner or occupier of the land to which such building or other structure or anything is affixed.

Nagar Panchayat or Council may require owners to pull down ruins.

131. Whenever it appears to the Nagar Panchayat or Council that any building by reason of abandonment or disputed ownership or other cause is undaunted or by reason of having fallen into ruins, affords facilities for the commission of a nuisance by disorderly persons or for the harbouring of snakes or other noxious animals, the Nagar Panchayat or the Council may require the owner of such building or the land to which such building is attached, to properly secure the same, or to remove or level such ruins, as the case may require.

Penalty for disobeying requisition under sections 133 and 134.

135. Any owner or occupier of a house or land who fails to comply with requisition issued by the Nagar Panchayat or the Council under the provisions of sections 133 and 134, shall be liable, for every such default, to a penalty not exceeding one thousand rupees, and to a further penalty not exceeding two hundred rupees, for every day during which the default is continued after the expiry of eight days from the date of service on him of such requisition.

Compensation for prohibition of erection or re-erection.

136. Subject to any other provision in this Act as regard compensation, no compensations shall be claimable by an owner for any damage which he may sustain in consequence of the prohibition of the erection of any building.

Powers connected with drains

Power to require owners to clear noxious vegetation.

137. The Nagar Panchayat or the Council may, by notice, require the owner or occupier of any land within such time as the Nagar Panchayat or the Council may fix to cut and remove any tree or bamboos or branches thereof, or eradicate and destroy vegetation and undergrowth which may appear to the Nagar Panchayat or the Council to be insanitary, injurious to health or offensive to the neighbourhood or to be causing or likely to cause damage or destruction to any crop growing or to be grown, or to be obstruction or likely to obstruct the free passage for men or animals along a public road, or of any boat of stream vessel along a public waterway.

Power to require owners to improve bad drainage.

138. Whenever any land, being private property or within any private enclosure, appears to the Nagar Panchayat or the Council by want of drainage to be in a state injurious to health or offensive to the neighbourhood, or by reason of inequalities of a surface to afford facilities for the commission of a nuisance, the Nagar Panchayat or the Council may require the owner or the occupier of such land or both within fifteen days, to drain such land or level surface:

Provided that, if for the purpose of effecting any drainage under this section it shall be necessary to acquire any land not being the property of the person who is required to drain his land, or to pay compensation to any other person, the Nagar Panchayat or as the case may be, the Council shall provide such land and pay such compensation.

Power to require unwhole source tanks or private premises to be cleansed or drained.

139. (*1*) The Nagar Panchayat or the Council may require the owner or occupier of any land within eight days or such longer period as the Nagar Panchayat or the Council may fix, either to re-excavate or at his option fill up with suitable material or to cleanse any well, water-course, private tank or pool therein, and to drain off and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighbourhood:

Provided that if, for the purpose of effecting any drainage under this section, it shall be necessary to acquire any land not being the property of the person who is required to drain his land or to pay compensation to any other person, Nagar Panchayat or as the case may be, the Council shall provide such land and pay such compensation.

(2) If under the provisions of this Act the Nagar Panchayat or the Council execute the work of such re-excavation or filling up with suitable material, it may take possession of the tank or pool or the sites of such tank or pool and retain such possession and turn the same to profitable account until the expenses thereby incurred shall have been realised.

Wells, tanks, etc., to be secured.

140. If any well, tank or other excavation, whether on public or private ground, be, for want of sufficient repair or protection, dangerous to passers by the Nagar Panchayat or as the case may be, the Council shall forthwith require by notice such owner or occupier, or both within eight days, properly to secure or protect such well, tank or other excavation; and if after the said period the work is not executed, the Nagar Panchayat or as the case may be, the Council shall cause a temporary hoard or fence to be put for the protection of passers-by and recover the expenses so incurred from the owner or occupier or the owners and occupiers of the land on which such tank, well or other excavation is situated.

Penalty for disobeying requisition under sections 137, 138, 139 and 140.

141. Any owner or occupier of a house or land who fails to comply with a requisition issued by the Nagar Panchayat or the Council under the provisions of section 137, 138, 139 or 140 shall be punishable with fine not exceeding one thousand rupees, and with a further fine not exceeding two hundred rupees for every day during which the default is continued after the expiry of eight days from the date of service on him of such requisition.

Power of Government to prohibit cultivation, use of manure, or irrigation injurious to health.

142. If the Director of Medical Health and Family Planning Services, Public Health Officer of the Government or Health Officer of the municipality or such other Medical Officer of the Medical Department of Manipur as may be prescribed, certifies that the cultivation of any description of crops, or the use of any kind of manure, or the irrigation of land in any specified manner—

(*a*) in any place within the limit of the municipality, is injurious to the health of person dwelling in the neighbourhood: or

(*b*) in any place within or without the limits of the municipality is likely to contaminate the water supply of the municipality or otherwise renders it unfit for drinking purposes the Government, on receipt of an application from the municipality by public notice, prohibit the cultivation of such crop, the use of manure or the use of the method of irrigation so certified to be injurious, or impose such conditions with respect thereto as may prevent the injury.

Public latrines and urinals.

143. The municipality may provide and maintain in sufficient number and in proper situation, public latrines and urinals for the separate use of each sex, and shall cause the same to be kept in proper order and to be properly cleansed.

Power to demolish unauthorised drains leading into public.

144. (*1*) If any person, without the written permission of the municipality first obtained, marks or causes to be made, or alters or causes to be altered, any drain leading into any sewer, drain, water-course, road or land vested in the municipality, the municipality may cause such branch drain to be demolished, altered, made or otherwise dealt with as it may deem fit, and the expenses thereby incurred shall be paid by such person, making or altering such branch drain.

(2) The person so making or altering such branch drain shall also be liable for every such offence to a fine not exceeding five hundred rupees.

Penalty for allowing water of any sewer, etc., to run on any public road.

145. Whoever causes or allows the water of any sink, sewer, latrine, urinal, cesspool or any other offensive matter belonging to him or being on his land to run, drain or be thrown or put upon any public road, or causes or allows any offensive matter to run, drain or be thrown into a surface drain near any public road shall be liable to a fine not exceeding two hundred rupees and a daily fine not exceeding fifty rupees during which the offence is continued.

Power to require owner to drain land

146. If any land, near a sewer, drain or other outlet into which such land may, in the opinion of the Nagar Panchayat or as the case may be, the Council, be drained, is not drained to the satisfaction of the Nagar Panchayat or as the case may be, of the Council, it may require the owner within one month to drain the said land into such sewer, drain or outlet.

Penalty for disobeying requisition under section 146

147. Any person who fails to comply with a requisition issued by the Nagar Panchayat or, as the case may be, by the Council under the provision of section 146 shall be liable for every such offence, to a fine not exceeding two hundred rupees and a further fine not exceeding fifty rupees for every day during which he shall continue to make such default after service on him of such requisition.

Scavenging and cleaning

Establishment for removal of sewage, offensive matter and rubbish.

148. The Nagar Panchayat or, as the case may be, the Council shall provide for the removal—

(*a*) of sewage, rubbish and offensive matter from all public latrines, urinals and drains and from all public roads and all other property vested in the municipality, and

(*b*) in any municipality wherein a latrine tax has been imposed under sub-section (*1*) of section 75 of sewage and offensive matter from all private latrines, privies, urinals, cesspools and compounds.

Sewerage scheme

149. A municipality may also introduce a sewerage scheme for removal of sewage by flushing with water through underground closed sewers. When a municipality introduces such a scheme in its area the municipality may, where it is felt necessary, with the approval of the State Government, levy additional latrine and water taxes to meet the cost and maintenance of such scheme.

Removal of sewage, offensive material, rubbish.

150. (*1*) The municipility may, from time to time, by an order published in the prescribed manner, appoint the hour within which sewage and offensive matter may be moved, the manner in which the same shall be moved, as also the hours within which only every occupier of any house or land may place rubbish in a receptacle provided by the municipality on or by the side of the public road.

(*2*) The municipality may provide places convenient for the deposit of sewage and offensive matter and require the occupiers of houses to cause the same to be deposited daily or at other stated intervals in such places, and may remove the same at the expense of the occupiers from any house if the occupier thereof fails to do so.

Penalty for placing rubbish on public road

151. Any person who places or allows to place rubbish on a public road or in a receptacle provided by the municipality at a time other than the time appointed by the municipality under sub-section (*1*) of section 150 shall, for every such offence, be punishable with fine not exceeding five hundred rupees.

Penalty on occupier for not removing filth etc.

152. Any occupier of a house on or near a public road who keeps or allows to be kept, for more than twenty-four hours, or for more than such shorter time as may be appointed by the municipality, otherwise than in some proper receptable, any house, ashes, sewage or any noxious or offensive matter in or upon such house, or in any out-house, yard or ground attached to and occupied with the house or suffers such receptacle to be in a filthy or noxious state, or neglects to employ means to cleanse the same shall, be punishable with fine not exceeding five hundred rupees.

Penalty for throwing offensive matter on public roads, etc

153. Any person who, without the permission of the municipality throws or puts, or permits his servants to throw or put any sewage or offensive matter on any public road, or who throws or puts or permits his servants to throw or put, any earth, rubbish, sewage or offensive matter into any drain communicating therewith shall be punishable with fine not exceeding five hundred rupees.

Power of servants of the Nagar Panchayat or of the Council

154. All servants of the Nagar Panchayat, or as the case may be, of the Council employed for the purposes mentioned in section 163 may, within such hours as may be fixed by the Nagar Panchayat or the Council, enter any premises, of which the occupier or owner is liable to pay latrine tax and do all things necessary for the performance of their duties.

Water supply and drainage system

Supply of drinking water.

155. (*1*) Every Nagar Panchayat or as the case may be, the Council shall provide or arrange for the provision of a sufficient supply of drinking water for the inhabitants of the areas within its jurisdiction.

(*2*) Every Nagar Panchayat or as the case may be, the Council shall provide sufficient and regular supply of drinking water fit for human consumption or for domestic purposes within the jurisdiction of the Nagar Panchayat or of the Council.

Removal of latrines, etc., near any source of water supply.

156. The municipality may, by notice, require an owner or occupier on whose land a drain, privy, latrine, urinal, cesspool or other receptacle for filth or refuse exists as is likely to endanger the purity of water, a spring, well, tank, reservoir or other source from which water is, or may be, derived for public use, to remove or close the same within one week from the service of such notice.

Owner or occupier to take steps to prevent spread of infectious disease.

157. In the event of a municipality, or any part thereof, being visited with an outbreak of cholera or other infectious disease notified in this behalf, the owner or occupier may during the continuance of the epidemic, without notice and at any time, inspect and disinfect any well tank or other place from which water, is or is likely to be taken for the purpose of drinking and may further take such steps as he deems fit to prevent the removal of water therefrom.

Unauthorised construction or tree over drain or water-works

158. (*1*) Where any road or way has been made or any building, wall or other structure has been erected or any tree has been planted over a public drain, culvert or a water-work vested in the municipality, without the permission in writing of the municipality, the municipality may, without prejudice to the generality of the other provision of this Act—

(*a*) by notice require the person who has made the road, erected the structure or planted the tree, or the owner or occupier of the land on which, the road has been made, structure erected or tree planted, to remove or deal in any other way as the municipality thinks fit with the road, structure or tree; or

(*b*) itself remove or deal in any other way as it thinks fit with the road, structure or tree.

(*2*) Any expense incurred by a municipality for action taken under clause (*b*) of sub-section (*1*) shall be recoverable from the person by whom the road or way made, structure erected or tree planted.

Burial and burning ground for disposal of corpses

Powers in respect of burial and burning places.

159. (*1*) The municipality may, from time to time, out of the Municipal fund, provide suitable places to be used as burial or burning grounds either within or without the limits of the municipality and may charge such fees on the persons using the places as may be fixed by bye-laws which may be framed in that behalf.

(*2*) The municipality may, by public notice, order any burial or burning ground situated within municipal limits or any municipal burial or burning ground outside such limits which is certified by the Director of Medical, Health and Family Planning Service or a Public Health Officer of the State Government or a Health Officer of the municipality to be dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*3*) If any person, without the permission of the municipality bury or burn any corpse, or permit, to be buried or burnt, any corpse at any place which is not any burial or burning ground made or formed according to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punishable with fine which may extend to five hundred rupees.

(*4*) Private burial places may be exempted from the order subject to such conditions as the municipality may impose in this behalf:

Provided that the limits of such burial places are sufficiently defined and that they shall only be used for the burial of members of the family of the owners thereof.

(*5*) No private burial or burning ground shall be made or formed within the municipality after the commencement of this Act, without the permission in writing of the municipality.

Budial of paupers and unclaimed dead bodies.

160. The municipality may from time to time, out of the Municipal fund provide for the burial or burning of paupers and unclaimed dead bodies, free of charge, within the limits of the municipality or otherwise arrange to dispose of as it thinks fit.

161. After the expiration of not less than twenty-four hours from the death of any person, the Nagar Panchayat or as the case may be, Council may cause the corpse of such person to be burnt or buried, and the expenses thereby incurred shall be recoverable as a debt due from the estate of such person. In every such case, the corpse shall be disposed of, so far as may be possible in manner consistent with the religious tenets of the deceased. Powers to cause corpses to be burnt or buried according to the religious tenets of the deceased.

CHAPTER XI

OTHER POWERS AND PENALTIES

Markets and slaughter houses

162. A municipality may establish and maintain markets at suitable places of the Municipality for the convenience of the people. Establishment of markets.

163. If any officer specially empowered in this behalf by the Nagar Panchayat or by the Council is satisfied that any person occupying any stall or space in any municipal market is in unauthorised occupation of the stall or space or continues to occupy the stall or space after authority to occupy has ceased, he may, with the previous sanction of the Nagar Panchayat or of the Council, require such person to vacate the stall or space within such time as may be mentioned in the requisition and such person may, in addition to any penalty to which he may be liable under this Act, be summarily removed from the stall or space. Power to remove persons from municipal market.

164. (*1*) The Nagar Panchayat or, as the case may be, the Council may, and when required by the Government shall fix places with the approval of the State Government for slaughter of animals for sale, and the Nagar Panchayat or Council may grant and withdraw licence for the use of such premises, or, if they vest in the Nagar Panchayat or Council, may charge rent for fees of the use of the places. Places for slaughter of animals for sale.

(*2*) When any such premises have been fixed, no person shall slaughter any such animal for sale within the Municipal area at any other place.

(*3*) Any person who slaughters for sale any animals at any place within the Municipal area other than the one fixed by the Nagar Panchayat or as the case may be, the Council under this section shall be punishable with fine which may extend to five hundred rupees.

165. A Nagar Panchayat or, as the case may be, the Council shall arrange for inspection of the animal by a Veterinary Surgeon or a competent person before the animal is killed and may also arrange for inspection of the meat and organs for the purpose of certification, as may be laid down by bye-laws of the meat for use as food. Inspection before and after slaughter.

166. No person shall carry on the profession of a butcher except under a licence from the municipality. Licensing of butcher.

Nuisances from certain trades, professions, etc.

167. (*1*) If it is shown to the satisfaction of a Nagar Panchayat or of a Council that any building or place within the limits of the Municipality which any person uses or intends to use as a factory or other place Regulation of offensive trades.

of business for the manufacture, storage, treatment or disposal of any article, by reason of such use, or by reason of such intended use, occasions or is likely to cause a public nuisance, the Nagar Panchayat or the Council may at its option require by notice the owner or occupier of the building or place—

(*a*) to desist or refrain, as the case may be, from using, or allowing to be used, the building or place for such purpose, or

(*b*) only to use, or allow to be used, the building or place for such purpose under such conditions or after such structural alterations as the Nagar Panchayat or the Council imposes or prescribes in the notice with the object of rendering the use of the building or place for such purpose free from objection.

(*2*) Whoever, after receiving a notice given under sub-section (*1*), uses or allows to be used any building or place in contravention of the notice shall be punishable with fine which may extend to four hundred rupees for every day on which he so uses or allows to be used the place or building after the date of the first conviction.

Certain offensive and dangerous trades not to be established within the limits to be fixed by the municipality without licence.

168. (*1*) Within such local limits as may be fixed by the municipality no place shall be used without a licence from the municipality which shall be renewable annually, for any of the following purposes, namely:—

(*a*) melting tallow;

(*b*) boiling offal or blood;

(*c*) skinning or disembowelling animal;

(*d*) the manufacture of bricks, pottery, tiles or lime in a klin, panja or lamp or by any other similiar method;

(*e*) as a soap-house, oil-boiling house, dyeing house;

(*f*) as tannery, slaughter-house;

(*g*) as a manufactory or place of business from which offensive or unwholesome odour may arise;

(*h*) as a yard or depot for hay, straw, bamboo, thatching grass, jute or other dangerously inflammable material for the purpose of any trade;

(*i*) any store-house for kerosene, petroleum napthamcoal-tar or any inflammable oil or wholesale stock of matches exceeding one hundred gross;

(*j*) as a shop for the sale of meat;

(*k*) as a place for the storage of rags or bones, or both;

(*l*) tea stall;

(*m*) sweetmeat stall;

(*n*) hotel or eating house;

(*o*) aerated water;

(*p*) bakery, including biscuit factory.

(2) Such licence shall not be withheld unless the municipality has reason to believe that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the neighbourhood.

(3) The municipality may, subject, to such restrictions, if any, as it may impose, extend the provisions of this section to yards or depots for trade in coal, coke, timber or wood.

(4) The grant of a licence for the purposes mentioned in clause (i) of sub-section (1) shall be consistent with the provision of the Petroleum Act, 1934 and no such licences shall be granted unless the said provisions have been complied with by the applicant for the licence.

30 of 1934.

Cinemas, dramatic performances, circuses, etc.

169. (1) No place within a Muncipality shall be kept open for the purposes of regular gain or otherwise by means of public cinematographic exhibitions, dramatic performances, circuses, variety shows, or for purposes of public resort for similar recreations or amusements unless a licence has been granted therefor by the municipality, which licence shall be annually renewable and in accordance with such conditions as the municipality, subject to rules, may deem fit to impose:

Provided that such conditions shall not be inconsistent with the terms of any licence which may be required for such place under any other Act.

(2) No place within the municipality shall be used for the purposes of public cinematographic, performance, circus, variety shows, or as a place of public resort for similar recreations or amusements, otherwise than for the purpose of regular gain, unless a licence has been granted for such purpose by the municipality and in accordance with such conditions as the municipality, subject to rules, may think fit to impose:

Provided that such conditions shall not be inconsistent with the terms of any licence which may be required for such places under any other Act:

Provided further that this sub-section shall not apply to private amateur performances or to performances held wholly for the benefit of charity, in any such place.

(3) If within a period of three months following the receipt of an application for licence under sub-section (1) or sub-section (2) the Nagar Panchayat or the Council at a meeting has not passed order thereon, either granting or refusing a licence, it shall be deemed to have granted the licence.

Cancellation, revocation etc., of licences

170. Subject to the provisions of section 196, any licence granted under section 169 by the municipality may, at any time, be suspended or revoked by it, if any of the restriction, limitations or conditions attached to the licence, be evaded or infringed by the grantee or if the grantee be convicted of a breach of any of the provisions of this Act or of any rule or bye-law made thereunder in any matter to which such licence relates or if the grantee has obtained the same by misrepresentation or fraud.

Publication of order of refusal, suspension of licences

171. Every order granting, refusing, suspending, revoking, or modifying a licence under section 169 or section 170, as the case may be, shall be, in writing, shall state the ground on which it proceeds, shall be published on the notice board of the office of the Nagar Panchayat or the Council and shall also be served on the owner of the premises concerned within fourteen days of the order

Power to close market, tea stall, etc.

172. (*1*) The Nagar Panchayat or, as the case may be, the Council may, with a view to preventing the spread of any infectious or contagious disease, order that for a specified time any market, tea-stall or restaurant, hotel or lodging-house within the Municipality shall be closed, or forbid any persons to attend any such market, tea stall or restaurant, hotel or lodging-house.

(*2*) Such order shall be notified in such manner and at such places as the Nagar Panchayat or the Council may direct, and notice thereof shall be served on the owner, occupier or vendor of the market or the keeper of the hotel or lodging-house, tea-stall or restaurant.

(*3*) After complying with the notice to the owner or occupier, or vendor of the market or the keeper of the hotel or lodging-house, tea-stall or restaurant or any person interested may appeal to the Deputy Commissioner, and if he considers the notice to be unreasonable, the order of the Deputy Commissioner shall be final.

(*4*) When an order has been notified under sub-section (*2*) and has not been set aside under sub-section (*3*) any owner occupier or vendor of a market or the keeper of hotel or lodging-house, tea-stall or restaurant who neglects to close the market, hotel or lodging-house, tea-stall or restaurant shall be liable to a fine which may extend to five thousand rupees; and any person who attends such market hotel or lodging-house tea stall or restaurant in contravention of the terms of the order shall be liable to fine which may extend to five hundred rupees.

Infectious or contagious diseases

Penalty for failure to give information of cholera.

173. Whoever—

(*a*) being a medical practitioner and in the course of such practice becoming cognizant of the existence of cholera, plague, small pox or other infectious disease, that may be notified in this behalf by the Government in any dwelling house other than a public hospital in the municipality, or

(*b*) being the owner or occupier of such dwelling house, and being cognizant of the existence of any such infectious disease therein, or

(*c*) being the person in charge of, or in attendance, on a person suffering from any such infectious disease in such dwelling-house, and being cognizant of the existence of the disease therein,

fails to give information within twenty-four hours of becoming so cognizant or gives false information to such officer as the Nagar Panchayat or as the case may be, the Council may appoint in this behalf respecting the existence of such disease shall be punishable with fine which may extend to five hundred rupees.

Disinfection of building and articles.

174. (*1*) If the Nagar Panchayat or, as the case may be, the Council is of opinion that the cleansing or disinfecting of a building or any part thereof or of any article therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, it may, by notice require the owner or occupier to cleanse or disinfect the same in the manner and within the time prescribed in such notice.

(*2*) If—

(*a*) within the time specified as aforesaid from the receipt of the notice the person on whom the notice is served to have the building or part thereof or the article disinfected, or

(*b*) the occupier or owner, as the case may be, gives his consent,

the Nagar Panchayat or the Council may, at the cost of such owner or occupier, cause the building or part thereof and articles to be cleansed and disinfected:

Provided that the Nagar Panchayat or the Council may, in its discretion pay the whole or any part of such cost.

Penalty for letting infected house.

175. Every person knowingly letting a house or other building or part of a house or building in which any person suffering from an infectious or contagious disease, had lived without having such house or other building or part thereof and all articles therein liable to retain infection, disinfected thereafter to the satisfaction of the Nagar Panchayat or the Council, shall be punishable with fine not exceeding two thousand rupees.

Explanation.—For the purpose of this section a hotel or lodging-house keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house.

Power of entry for purpose of preventing spread of disease.

176. The Nagar Panchayat or, as the case may be, the Council may authorise any officer to enter, at any time between sunrise and sunset, after three hours notice into any building or premises in which any infectious or contagious disease is reported or suspected to exist, for the purposes of inspecting such building or premises on the basis of the report of the officer. The Nagar Panchayat or the Council will have the power to declare that a person is suffering from contagious disease and that house is infectious.

Removal to hospital of patients suffering from infectious disease.

177. In any municipality when any person suffering from any infectious disease is found to be—

(*a*) without proper lodging or accomodation, or

(*b*) living in a Serai or other public hostel, or

(*c*) living in a room or house which neither he nor any one, of whom he is a dependent, either own or pays rent for,

the Nagar Panchayat or, as the case may be, the Council, by any persons authorised by it in this behalf may, on the advice of an Assistant Surgeon, remove the patient to any hospital or place at which persons suffering from such diseases are received for medical treatment and may do anything necessary for such removal.

Park, playground and open space

Municipality to provide places for recreation.

178. The Municipality may provide open spaces, parks, playgrounds, common swimming pools and amenities for the use and enjoyment of the people and may frame bye-laws regulating their use.

Function and powers in regard to pounds.

179. Every municipality shall, in regard to the establishment, maintenance and management of pounds, perform such function as may be transferred to it by notification under section 31 of the Cattle Trespass Act, 1871 and lease out pound, when so transferred, according to rules framed under this section. 1 of 1871.

CHAPTER XII

PROCEDURE

Service of notice.

180. (*1*) Every notice, bill, form, summons or notice of demand under this Act, may—

(*a*) be served personally on or presented to the person to whom the same is addressed; or

(*b*) if it cannot be so served, presented or delivered, be affixed on some conspicuous part of his place of abode or of the land, building or other thing in respect of which the notice, bill, form, summons or notice of demand is intended to be served; or

(*c*) be sent by post in registered cover.

(*2*) Every such notice, bill, form, summons or notice of demand shall be signed by or bear a facsimile signature of Chairperson, Vice-Chairperson or any other officer authorised by the Chairperson in that behalf.

Reasonable time for act to be fixed.

181. When any notice under this Act requires any act to be done for which no time is fixed by this Act, the Nagar Panchayat or Council shall fix a reasonable time for doing the same.

Service of notice on owner or occupier of land.

182. When any notice is required to be given to the owner or to the occupier of any land, or both, such notice addressed to the owner or occupier or both, as the case may require, may be served on the occupier of such land, or otherwise in the manner mentioned in section 180:

Provided that when the owner and his place of abode are known to the Nagar Panchayat or to the Council or other authorities issuing the notice they shall, if such place of abode be within the limits of their authority, cause such notice to be served on such owner, or left with some adult member or servant of his family; and if the place of abode of the owner be not within such limits, they shall send every such notice by post in a registered cover addressed to his place of abode and such service shall be deemed to be good service of the notice:

Provided further that when the name of the owner or occupier or of both is not known it shall be sufficient to designate him or them as "the owner" or "the occupier" of the land in respect of which the notice is served.

Procedure when owners or occupiers are required by the Nagar Panchayat or Council to execute works

183. (*1*) Whenever it is provided in this Act, that the Nagar Panchayat or, the Council may require the owner or the occupiers, of any land or both to execute any work or to do anything, such requisition shall be made, as far as possible, by a notice to be served as provided in sections 180 and 182 on every owner or occupier who is required to execute such work or to do such thing; but if there be any doubt as to the persons who are owners or occupiers, such requisition may be made by a notice to be affixed or posted upon or near the spot at which the work is required to be executed or the thing done requiring the owners or the occupiers, of any land or both, to execute such notice. It shall not be necessary to name the owners or occupier.

(*2*) Every such requisition shall give notice to the persons to whom it is addressed that, if they fail to comply with the requisition or prefer an objection against such requisition as provided hereafter in section 184 the municipality may enter upon the land and cause the required work to be executed, or the required thing to be done; and that in such case the expenses incurred thereby shall be recovered from the persons who are required in such requisition to execute such work or do such thing.

Person required to execute any work may prefer objection to the municipality.

184. Any person who is required by such requisition to execute any work or to do anything may instead of executing the work or doing the thing required, prefer an objection in writing to the municipality against such requisition within fifteen days of the service of the notice affixing or posting up of the notification containing the requisition, or if the time within which he is required to comply with the requisition be less than fifteen days, then within such less time.

Procedure of person objecting alleges that work will cost more than three thousand rupees.

185. If the objector alleges that the cost of executing the work or of doing the thing required may exceed three thousand rupees, such objection shall be health and disposed of by the municipality at a meeting, unless the Chairperson or Vice-Chairperson shall certify that such cost may not exceed three thousand rupees, in which case the objection shall be heard and disposed of by the Chairperson and the Vice-Chairperson:

Provided that in any case in which the Chairperson or the Vice-Chairperson shall have certified his opinion and the objection shall in consequence thereof have been heard and disposed of by the Chairperson and the Vice Chairperson, the person making the objection may, if the requisition made upon him is not withdrawn on the hearing of his objection, pay in the said sum of three thousand rupees to the municipality as the cost of executing the work or doing the thing required, whereupon such person shall be relieved of all further liability and obligation, in respect of executing the work or doing the thing required and in respect of paying the expenses thereof and the municipality itself shall execute such work or do such thing, and shall exercise all powers necessary therefor.

Chairperson, Vice Chairperson to make order after hearing objection.

186. The Chairperson or the Vice-Chairperson, of the Nagar Panchayat or, the Council as the case may be, shall after hearing the objection and making any enquiry which they may deem necessary, record an order withdrawing, modifying, or making absolute the requisition against which the objection is preferred and if such order does not withdraw the requisition it shall specify the time within which the requisition shall be carried out, which shall not be less than the shortest time which might have been mentioned in the original requisition under this Act.

Power of municipality on failure of persons to execute works.

187. If the person or persons required to execute the work or to do the thing fail, within the time specified in any requisition as aforesaid, to begin to execute such work or to do such thing, and thereafter diligently to execute the same to the satisfaction of the municipality until it is completed, the municipality or any person authorised by it in that behalf, may, after giving forty-eight hours notice of its intention by a notification to be affixed or posted upon or near the spot, enter upon the land and perform all necessary acts for the execution of the work or doing of the thing required; and the expenses thereby incurred shall be paid by the owners or by the occupiers, if such requisition was addressed to the owners or to the occupiers, as the case may be, and by the owners and the occupiers. if such requisition was addressed to the owners and the occupiers

Power to apportion expenses among owners and occupiers

188. (1) Whenever any expenses incurred by the municipality are to be paid by the owners of any land as provided in section 187 the municipality may, if there be more than one owner, apportion the said expenses among such of the owners as are known in such manner as the municipality may deem fit.

(2) Whenever any such expenses are to be paid by the occupiers of any land as provided in section 187 the municipality may, if there be

more than one occupier, apportion the said expenses among such of the occupiers, as are known in such manner as the municipality may deem fit.

Apportionment among owners and occupiers.

189. Whenever any expenses incurred by the municipality are to be paid by the owners and occupiers of any land, as provided in section 187 the municipality may apportion the said expenses among the said owners and occupiers or such of them as are known in such manner as the municipality may deem fit.

Occupiers may recover cost of works executed at their expenses from owners.

190. Whenever any works or alterations and improvements, of which the municipality is authorised by this Act to require the execution, are executed by the occupier on the requisition of the municipality, or are executed by the municipality and cost thereof is recovered from the occupier, the cost thereof may, if the municipality certify that such cost ought to be borne by the owner, be deducted by such occupier from the next and following payment of his rent due or becoming due to such owner, or may be recovered by him in any court of competent jurisdiction.

Power to enter upon, possession of houses so repaired.

191. If the municipality under the provisions of this Act shall have caused any repairs to be made to any house or other structure and if such house or other structure be unoccupied, the municipality may enter into possession of the same, and may retain possession thereof until the sum expended by it on the repairs be paid to it.

Sale of materials of houses pulled down.

192. (*1*) The materials of anything which shall have been pulled down or removed under the provisions of section 183 may be sold by the municipality, and the proceeds of such sale shall be adjusted to the payment of the expenses incurred.

(*2*) The surplus sale-proceeds, if any, shall be credited to the Municipal Fund, and may be paid on demand to any person who establishes his right to the satisfaction of the municipality or in a court of competent jurisdiction.

Cognizance.

193. (*1*) Unless otherwise expressly provided in this Act a Court shall take cognizance of any offence under this Act or under any rules or bye-laws made thereunder except on the complaint of the municipality or some person authorised by the municipality by general or special order in this behalf.

(*2*) No Court inferior to that of a Magistrate of the first class shall try any of the offences specified in sub-section (*1*).

Offences under the Act compoundable.

194. (*1*) The offences under this Act shall be compoundable:

Provided that no offence, arising from the failure to comply with a written notice given by or on behalf of, the Nagar Panchayat or the Council, as the case may be, shall be compoundable unless the notice has been complied with.

(2) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

Power and duties of police in respect of offences.

195. Every police officer shall give immediate information to the municipality of an offence coming to his knowledge which has been committed against this Act or against any rules or bye-laws made thereunder, and shall be bound to assist all members, officers and employees of the municipality in the exercise of their lawful duty.

Appeals from order refusing licences.

196. Any person aggrieved by an order of a municipality refusing, revoking or suspending licence or permission required under this Act may, notwithstanding anything contained elsewhere in this Act, within thirty days from the date of refusal, revoking or suspension, appeal to the State Government or an officer authorised by the Government in that behalf whose decision shall be final and shall not be questioned in any Court.

Appeal from orders in other cases.

197. (1) Any person aggrieved,—

(a) by the refusal of the Nagar Panchayat or Council under section 126 to sanction the erection, re-erection or material alteration of any building; or

(b) by a notice from the Nagar Panchayat or Council under section 112 requiring a road to be drained, levelled, paved, flagged metalled, or provided with proper means of lighting or under section 129 requiring the alteration or demolition of a building; or

(c) by any order of the Nagar Panchayat or Council under the powers conferred upon it by section 132 or by any order made by the Nagar Panchayat or by the Council under bye-law framed under clause (*vii*) of sub-section (1) of section 209,

may, within thirty days from the date of such refusal, notice, order, appeal to the Deputy Commissioner.

(2) No such refusal, notice or order shall be questioned otherwise than by such an appeal.

(3) The decision of the Deputy Commissioner shall be final.

Appeal not to be dismissed without giving reasonable opportunity.

198. No appeal under section 196 or section 197 shall be dismissed or allowed partly or wholly, unless reasonable opportunity of showing cause or being heard has been given to the parties.

Dispute as to compensation payable by municipality.

199. (1) When a dispute arises regarding the amount of compensation which the municipality is required by this Act to pay, it shall be settled in such manner as the parties may agree, in default of agreement, by the Deputy Commissioner upon application made to him by the municipality or the person claiming compensation.

(2) If the municipality or the person claiming compensation is not satisfied with the decision of the Deputy Commissioner, it or he shall have a right to require the Deputy Commissioner to make a reference to the District Judge, in accordance with the provisions of section 18 of the Land Acquisition Act, 1894.

1 of 1894.

Indemnity. Bar of suit, in absence of notice.

200. No suit shall be maintainable against Nagar Panchayat or Council or any of its committees, or any officer or employee, or any person acting under or in accordance with, the direction of the Nagar Panchayat or of the Council or any of its committees or any municipal officer or servant, in respect of anything in good faith done or intended to be done under this Act or under any rule or bye-law made thereunder.

201. (1) No suit or other legal proceeding, not being a criminal proceeding, shall be instituted against any Nagar Panchayat or Council, or any of its officers in respect of any act purporting to be done by such officer in his official capacity, or any person acting under its direction, until the expiry of two months next after notice in writing has been delivered to or left at the office of—

(*a*) in the case of a suit against the Nagar Panchayat or Council, the Executive Officer;

(*b*) in the case of an officer, the officer against whom the suit or proceeding is instituted and, in the case of any person acting under its direction, delivered to him at his place of residence or business stating the cause of action, the name, description and place of residence of the plaintiff or the petitioner and the relief which he claims; and the plaint or the petition shall contain a statement that such notice has been so delivered or left.

Explanation.—In this section "Officer" includes the Chairperson and the Vice-Chairperson.

(2) Every such action shall be commenced within three months next after the arising of the cause of action, and not afterwards.

CHAPTER XIII

CONTROL

Control by Deputy Commissioner.

202. The Deputy Commissioner or the Director or any officer so empowered by the Government in this behalf may at any time—

(1) enter into and inspect, or cause any other person to enter into or inspect—

(*a*) any immovable property in the occupation of, or

(*b*) any work in progress under, or

(*c*) any institution under the control and administration of the Nagar Panchayat, or as the case may be, the Council; and

(*2*) call for inspection of any book or document which may be, for the purpose of this Act, in the possession or under the control of the Nagar Panchayat or, as the case may be, the Council.

Power to suspend action under the Act.

203. (*1*) The Government, or the Deputy Commissioner may, by order in writing, suspend the execution of any resolution or order of the municipality or prohibit the doing of any act which is about to be done or is being done, in pursuance of, or under this Act, or in pursuance of any sanction or permission granted by the municipality in the exercise of their powers under this Act, if in its or his opinion, the resolution, order or act is contrary to the public interest or is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act is likely to lead to a serious breach of the peace, or to cause serious injury or annoyance to the public, or to any class or body of persons.

(*2*) When the Deputy Commissioner makes any order under this section, he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the Government.

(*3*) The Government may obtain the views of the Director and thereupon either rescind the order or direct that it continues in force with such modification and for such period as it may deem fit.

Powers of Deputy Commissioner in case of emergency.

204. (*1*) If, in any case of emergency, the Deputy Commissioner upon the recommendation of the concerned technical advisor immediately, available, is of opinion that the immediate execution of any work or the immediate doing of any act which the Nagar Panchayat or the Council, whether at a meeting or otherwise, are empowered to execute or do, is necessary for the health or safety of the public, he may call upon the Nagar Panchayat or the Council to execute the work within such time as he may appoint. If such work is not executed within such period he may appoint some other person to execute the work or do the act immediately.

(*2*) The Deputy Commissioner shall forthwith report to the Government every case in which he uses the powers conferred on him under sub-section (*1*) whereupon the Government may pass such order as it may deem fit.

(*3*) Where any person is appointed under sub-section (*1*), the Deputy Commissioner may direct that the expense of performing the duty, executing the work or doing the act, together with reasonable remuneration, if any, to the person so appointed, shall forthwith be paid by the Nagar Panchayat or by the Council.

(*4*) Where such expense and remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense and remuneration, or so much thereof as is possible from the balance, in priority to any or all other charge, and such person shall make payment accordingly.

Power to dissolve Nagar Panchayat or Council in certain cases.

205. If in the opinion of the Government, a Nagar Panchayat or a Council, as the case may be, is not competent to perform or persistently make default in the performance of the obligatory duties imposed upon it by or under this Act or exceed or abuse its power the Government may by notification, stating the reasons for so doing declare such Nagar Panchayat or Council to be incompetent or in default or to have exceeded or abused its power, as the case may be, and dissolve such Nagar Panchayat or Council:

Provided that a Nagar Panchayat or a Council, as the case may be, shall be given a reasonable opportunity of being heard before its dissolution:

Provided further that when a Nagar Panchayat or a Council, as the case may be, is dissolved, the Government may appoint any person or persons to exercise and perform the powers and duties of the Nagar Panchayat or the Council during the period of dissolution until the new Nagar Panchayat or the Council, as the case may be, is constituted:

Provided also that the Government shall, before the expiry of a period of six months from the date of dissolution of the Nagar Panchayat or the Council, cause fresh elections to be held for the constitution of a new Nagar Panchayat or a new Council.

Consequence of dissolution.

206. An order of dissolution shall have the following consequences, namely:—

(*a*) all the Councillors of the Nagar Panchayat or of the Council shall, as from the date of order, vacate their offices as such Councillors;

(*b*) all the powers and duties which under the Act may be exercised and performed by the Nagar Panchayat or the Council, whether at a meeting or otherwise, shall, during the period of dissolution, be exercised and performed by such person or persons as the Government may direct;

(*c*) all property vested in such Nagar Panchayat or the Council shall, during the period of dissolution, vest in the Government.

Decision of disputes between local authorities.

207. (*1*) When a dispute arises between a Nagar Panchayat or a Council or any other local authority on any matter which they are jointly interested, such dispute shall be referred to Government, whose decision shall be final.

(2) The Government may regulate by rules made under this Act the relation to be observed between a Nagar Panchayat or a Council and other local authorities in any matter in which they are jointly interested.

CHAPTER XIV

RULES AND BYE-LAWS

Power of State Government to make rules.

208. (*1*) The Government may, by notification and subject to the condition of previous publication, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*i*) manner in which the minutes of the proceedings of a meeting of a Nagar Panchayat or a Council or its committees shall be recorded and published;

(*ii*) form and manner in which the accounts of receipts and expenditures of a Nagar Panchayat or a Council shall be kept;

(*iii*) form and manner in which the annual budget of a Nagar Panchayat or a Council shall be prepared;

(*iv*) manner in which returns, statements and reports by a Nagar Panchayat or a Council shall be submitted;

(*v*) matter not specifically provided for in this Act for the valuation of holdings, for the assessment, collection and refund of taxes imposed under this Act;

(*vi*) determination of fees payable upon distraint warrant under this Act;

(*vii*) regulation, management and inspection of the working systems of water-supply, lighting, drainage or sewerage provided, established or maintained by or under the control and administration of a Nagar Panchayat or a Council;

(*viii*) form and procedure for taking oath or affirmation by Councillors, Chairperson, Vice-Chairperson and the authority who shall administer oath or affirmation; and

(*ix*) manner in which bye-laws shall be published after confirmation by the Government.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before Legislative Assembly while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following the session or the successive sessions aforesaid, Legislative Assembly makes any modification in the rule or decides that any such rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of municipality to frame bye-laws.

209. (1) A municipality may, frame bye-laws consistent with the provisions of this Act and the rules made thereunder for carrying out the provisions of this Act, for—

(*i*) any matter in respect of which power to frame bye-laws is conferred expressely on the municipality under this Act;

(*ii*) regulating traffic, and preventing obstructions and encroachments and nuisances on or public roads, or on or near pontoons bridges, ghats, landing places, river banks or other places of public resort or on places near water works for the supply of drinking water.

(*iii*) prescribing a minimum width of wheel-tyres or a minimum diameter and the maximum wheel-tracks or wheels for different classes of carts and carriage kept or used within the municipality,

(*iv*) prescribing the manner in which notice of the intention to erect, re-erect, materially alter a building shall be given to the municipality;

(*v*) requiring that with every such notice shall be furnished with a site-plan of the land on which it is intended to erect, re-erect or materially alter such building and plan and specification, and in the case of erection or re-erection of a building, estimate also of the cost of construction (excluding cost of land and its improvement) of the building, all such characters and with such details as the bye-laws may require in respect of all or any of the following matters, *viz.*—

(*a*) free passage or way in front of the building;

(*b*) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;

(*c*) provision and position of latrines, privies, urinals, cesspools or drains;

(*d*) level and width of foundation, level of the lowest floor, and stability of the structure; and

(*e*) the line of frontage with neighbouring buildings, if the building abuts on a public road;

(*vi*) regulating in respect of the erection, re-erection or material alteration of any buildings, within the municipality or part thereof—

(*a*) the materials and method of construction to be used for external and partition walls, roofs and floors;

(*b*) the materials and method of construction and position of fire-places, chimneys, latrines, privies, urinals, cesspools and drains;

(*c*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(d) the space to be left about the building to secure the free circulation of air and for the prevention of fire;

(*e*) the line of frontage where the building abuts on a public road;

(*f*) the number and height of the storeys of which the building may consist;

(*g*) the means to be provided for egress from the building in case of fire;

(*h*) any other matter affecting the ventilation or sanitation of the building; and

(*i*) matter concerning sanitary conditions and water pollution of the area;

(*vii*) preventing the erection of buildings without adequate provisions being made for the laying out and location of roads;

(*viii*) regulating the level, means of drainage, alignment and width of roads constructed by private persons;

(*ix*) regulating the use of, and the prevention of nuisance in regard to public water-supply, bathing and washing place, streams, channels, tanks and wells;

(*x*) regulating, either by granting licences necessary or otherwise, the washing of clothes by professional washerman, and fixing the places in which clothes may be so washed or in which they may not be so washed;

(*xi*) prescribing the measures to be taken for the prevention of the breeding of mosquitoes in wells, tanks, pools, excavations, cisterns or other places or vessels containing or capable of containing water;

(*xii*) regulating the cutting of trees and bamboos within the municipality;

(*xiii*) regulating the disposal of sewage, offensive matter, carcasses of animals and rubbish, and the construction and maintenance of latrines, privies, urinals, cesspools, drains and sewers;

(*xiv*) providing for the inspection and regulation of markets and for the preparation and exhibition of a price list thereat;

(*xv*) regulating the hours and manner of transport within the municipality of any specified articles of food or drink;

(*xvi*) fixing the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale and regulating the sale of foodstuff unfit for human consumption;

(*xvii*) regulating, either by granting licences necessary or otherwise, or prohibiting, for the purpose of preventing danger to the public health the stalling or herding of horses, cattle, swine, donkeys, sheep or goats, geese, ducks and fowls;

(*xviii*) providing for the inspection of milch cattle and prescribing the measures to be taken on the occurrence among them of infections or contagious diseases; and prescribing and regulating the construction, dimensions, ventilation, lighting, cleansing drainage and water-supply of dairies and cattle-sheds in the occupation of persons carrying on the trade of dairymen or milksellers;

(*xix*) providing for the inspection and proper regulation of encamping grounds, pounds, serais, or dharmsalas; bakeries and aerated water factories, ice factories, flour mills, oil mills, sweetmeat shops, factories and other places in which mechanical or electrical power is employed, and slaughter-houses;

(*xx*) preventing nuisances affecting the public health, safety, or convenience in places of public resort for purposes of recreation or amusement;

(*xxi*) preventing nuisances affecting the public health, safety or convenience;

(*xxii*) controlling and regulating the use and management of burial and burning grounds and the disposal of corpses;

(*xxiii*) providing for the holding of fairs and industrial exhibitions within the municipality or under the control of the municipality and for fixing and collecting the fees to be levied thereat;

(*xxiv*) fixing the conditions on which licences under this Act are to be granted and may be suspended or revoked;

(*xxv*) preventing and removing any encroachments on any municipal land including markets, drains, roads, etc.;

(*xxvi*) giving effect to the objects and purposes of this Act and the Municipality may by such bye-laws impose on offenders against any provision of the bye-laws, such reasonable penalties as it may think fit, not exceeding five thousand rupees for each offence, and, in case of a continuing offence, a further penalty not exceeding two hundred rupees for each day after written notice of the offence to them from the municipality:

Provided that the above limits of rupees five thousand and rupees two hundred shall not apply to the offences in respect of the bye-laws regulating octroi;

(*xxvii*) distribution of works among the officers and the members of the staff of the municipality.

Additional power to frame bye-laws in hill areas.

210. (*1*) A Nagar Panchayat or Council whose municipality is wholly or in part situated in a hilly tract may, in addition to such bye-laws as it may make under the preceding section frame bye-laws for regulating or prohibiting the cutting or destroying of tree; or shrubs or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the Nagar Panchayat or the Council to be necessary for any or all of following purposes:—

(*a*) the maintenance of water supply;

(*b*) the preservation of the soil;

(*c*) the prevention of landslips;

(*d*) the formation of ravines or torrents;

(*e*) the protection of land against erosion or the deposit thereon of sand, gravel or stones;

(*f*) the protection of the beauty or general appearance of the municipality.

(*2*) The Nagar Panchayat or the Council may, by any bye-law framed under this section, declare that any person commiting a breach of any such bye-law, or failing to comply with any notice issued thereunder, shall be liable to fine which may extend to five hundred rupees and to a further fine, which may extend to two hundred rupees for each day after conviction during which the offence is continued.

Confirmation of by-laws.

211. (*1*) The power to frame bye-laws in the Act shall be subject to the condition of previous notification.

(*2*) No such bye-laws shall come into force until it has been confirmed by the Government.

(*3*) The Government may cancel its confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

Publication of bye-laws.

212. Every bye-law shall, after confirmation, be published in the prescribed manner.

Model bye-laws.

213. The Government may from time to time frame model bye-laws for any matter in respect of which a municipality is empowered to frame bye-laws under this Act and publish them in the Official Gazette for the guidance of municipality.

CHAPTER XV

MISCELLANEOUS

Validity of acts and proceedings.

214. (*1*) No act of the Nagar Panchayat or of the Council or of any of its committees shall be deemed to be invalid by reason of any vacancy in the membership thereof.

(*2*) Any proceeding of a meeting of the Nagar Panchayat or of Council or of any committee thereof shall be valid notwithstanding that it is subsequently discovered that some person who was not entitled to do so, sat or voted or otherwise took part in the proceedings.

Petition for challenging election.

215 (*1*) The election of a person to the office of a Councillor shall not be called in question except by a petition to be filed before the Election Tribunal within such time and in such manner as may be prescribed, on the ground that—

(*a*) the election has not been a free election by reason that the corrupt practice of bribery or undue influence has extensively prevailed at the election; or

(b) that the result of the election has been materially affected—

(i) by the improper acceptance or rejection of any nomination; or

(ii) by gross failure to comply with the provisions of this Act or the rules framed thereunder.

26 of 1994. (2) The Election Tribunal constituted under section 103 of the Manipur Panchayati Raj Act, 1994 shall also be the Election Tribunal for the purposes of sub-section (1).

(3) The decision of the Election Tribunal shall be final.

Power to make rules for election and election petition.

216. For the purpose of election of Chairperson, Vice-Chairperson and Councillor, the Government shall make rules for election and election petition under this Act.

Bar of jurisdiction of Civil Courts in election matters.

217. (1) No civil court shall have jurisdiction to question the legality of any action taken or any decision given by an officer or authority appointed under this Act, in connection with the conduct of elections thereunder.

(2) Notwithstanding anything contained in this Act,—

(a) the validity of any law relating to the delimitation of constituencies or the allotment of seats to such constituencies, made or purporting to be made under this Act shall not be called in question in any Court;

(b) no election to any municipality shall be called in question except by an election petition presented to Election Tribunal and in such manner as is provided for by this Act.

Election to the municipalities.

218. (1) The superintendence, direction and control of the preparation of electoral rolls for, and conduct of, all elections to the Municipalities shall be vested in the State Election Commission constituted under section 98 of
26 of 1994. the Manipur Panchayati Raj Act, 1994.

(2) Subject to the provisions of this Act, election to the municipality shall be held in accordance with the rules made by the Government in this behalf.

(3) The Government shall, when so requested by the State Election Commission, make available to the State Election Commission such staff as may be necessary for the discharge of the functions conferred on the State Election Commission under this Act.

Electoral roll for a municipal area.

219. (1) For every municipal area, there shall be an electoral roll showing the names of persons qualifying to vote.

(2) The electoral roll for every municipal area shall be divided into several parts, one for each ward of a municipal area.

(3) The electoral roll for a municipal area shall be prepared, revised or corrected by the State Election Commission in accordance with such rules as may be made by the Government in this behalf:

Provided that there shall be a preliminery publication of such electoral roll after preparation or revision to be followed by final publication after hearing of objections in the manner prescribed.

(4) Notwithstanding anything contained in this Act, the electoral roll for the time being in force for the election of Members of the Manipur Legistive Assembly, so far as it relates to the area comprised in the municipal area, may be adopted as the electoral roll for that municipal area for the purposes of preliminary publication.

Conditions for registration as a voter.

220. (1) Every person who—

(*a*) is not less than 18 years of age on the qualifying date, and

(*b*) is ordinarily resident in a municipal area,

shall be entitled to be registered in the electoral roll for that municipal area.

(2) No person shall be entitled to be registered in the electoral roll for any municipal area in more than one place.

(3) No person shall be entitled to be registered in the electoral roll for any municipal area if his name has already been registered as a voter in the electoral roll of any other local authority.

Explanation I.—The expression "qualifying date" shall mean such date as the Government may by notification specify for the purposes of this Act.

Explanation II.—The expression "ordinarily resident" shall have the same meaning as assigned to it in section 20 of the Representation of the People Act, 1950. 43 of 1950.

Power to remove difficulties.

221. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order do anything not inconsistent with the provisions thereof which appears to it to be necessary or expedient for the purpose of removing the difficulty.

Overriding effect of the provisions of the Act. from

222. The provisions of this Act, rules and bye-laws, and orders made and directions issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

Mode of proof of municipal record and fee for certified copy.

223. (1) A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Nagar Panchayat or a Council, shall, if duly certified by any person authorised by any bye-law in this behalf, be received as evidence of the existence of any entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case, where and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

(2) For the issue of such copies the Nagar Panchayat or as the case may be, the Council may impose such fees as may be fixed by any bye-law in this behalf.

Restriction on the summoning of municipal servants to produce documents.

224. No municipal officer or servant shall in any legal proceeding to which a Nagar Panchayat or a Council is not a party be required to produce any register or document the contents of which can be proved by a certified copy, or to appear as a witness to prove the matters and transaction recorded therein unless by order of the court made for a special cause.

Penalty for violating the provision of this Act.

225. If any person violates any of the provisions of this Act for which a penalty is not already provided under this Act, he shall be liable to a fine not exceeding rupees five hundred for each day in the case of continuing violation.

Public servants.

226. Every Councillor and every officer or servant of the Nagar Panchayat or the Council and every contractor or agent appointed by it for the collection of any tax or every person employed by such contractor or agent for collection of such tax shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

26 of 1994.

District Planning Committee.

227. (*1*) The District Planning Committee constituted under section 96 of the Manipur Panchayati Raj Act, 1994 shall also be the District Planning Committee for the purposes of this Act.

(*2*) The District Planning Committee shall consist—

(*a*) members of House of the People who represent the whole or part of the district;

(*b*) all the members of the State Legislative Assembly whose constituencies lie within the district;

(*c*) Adhyaksha of the Zilla Parishad;

(*d*) Mayor or the President of the Municipal Corporation or the Municipal Council respectively, having jurisdiction over the head quarters of the District; and

Explanation.—For the purposes of this clause, "Mayor or the President" shall mean the Chairperson of the Municipal Council or, as the case may be, of the Municipal Corporation;

(*e*) such number of persons not less than four-fifth of the total number of members of the Committee as may be specified by the Government elected in the prescribed manner from amongst the members of the Zilla Parishad, Nagar Panchayat and Councillors of the Municipal Corporation and the Municipal Councils in the district, in proportion to the ratio between the population of the rural areas and of the urban areas in the district.

(*3*) The Chairman of the District Co-operative Banks and of the Development Bank shall be permanent invitees of the Committee.

(4) The Chief Executive Officers shall be the Secretary of the Committee.

(5) The Deputy Commissioner for the Districts shall be the Chairman District Planning Committee.

(6) The District Planning Committee shall consolidate the plans prepared by the Zilla Parishad, Gram Panchayat, Nagar Panchayat, Municipal Council and the Municipal Corporation in the district and prepare a draft development plan for the district as a whole.

(7) Every District Planning Committee shall in preparing the draft development plan—

(*a*) have regard to—

(*i*) the matters of common interest between the Zilla Parishad, Gram Panchayats, Nagar Panchayats, Municipal Corporation and Municipal Councils in the district including spatial planning sharing of water and other physical and natural resource, the integrated development of infrastructure and environmental conservation,

(*ii*) the extent and type of available resources whether financial or otherwise;

(*b*) consult such institutions and organisations as the Government may by order specify.

(8) The Chairman of every District Planning Committee shall forward the development plan, as recommended by such Committee to the Government.

Committee for Metropolitan Planning.

228. (*1*) The Governor may by notification notify an area having a population of ten lakh or more comprised in one or more districts and consisting of two or more municipalities or panchayats or other contiguous areas, to be a Metropolitan area for the purposes of this Act.

(2) On such notification the Government shall constitute in every Metropolitan area a Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

(3) The Government may prescribe by notification with respect to—

(*a*) the manner in which the seats in such Committee shall be filled:

Provided that not less than two-thirds of the members of such Committee shall be elected by, and from amongst, the elected members of the municipalities and Chairpersons of the Panchayats in the Metropolitan area in proportion to the ratio between the population of the municipalities and of the Panchayats in that area;

(*b*) the representation in such Committee of the Government of India and the Government and of such organisations and institutions as may be deemed necessary for carrying out the functions assigned to such Committee;

(c) the functions relating to planning and co-ordination for the Metropolitan area which may be assigned to such Committee;

(*d*) the manner in which the Chairperson of such Committee shall be chosen.

(*4*) Every Metropolitan Planning Committee shall, in preparing the draft development plan—

(*a*) have regard to—

(*i*) the plans prepared by the municipalities and the Panchayats in the Metropolitan area;

(*ii*) matters of common interest between the municipalities and the Panchayats, including coordinated spatial planning of the area, sharing of water and other physical and natural resources, the integrated development of infrastructure and environmental conservation;

(*iii*) the overall objectives and priorities set by the Government of India and the Government;

(*iv*) the extent and nature of investments likely to be made in the Metropolitan area by agencies of the Government of India and Government, and other available resources whether financial or otherwise;

(*b*) consult such institutions and organisations as the Governor may, by order, specify.

(*5*) The Chairperson of every Metropolitan Planning Committee shall forward the development plan, as recommended by such Committee, to the Government.

Delegation of powers of State Government.

229. The State Government may, by notification delegate to any officer or authority subordinate to it any of the powers conferred on it or on any officer subordinate to it by this Act, other than powers to make rules, to be exercised, subject to such restrictions and conditions as may be specified in the said notification.

Repeal of Manipur Act 26 of 1976 and saving.

230. (*1*) On the date of the commencement of this Act, the Manipur Municipalities Act, 1976 shall be deemed to have been repealed:

Provided that the said repeal shall not affect:

(*a*) the validity, effect or consequence of anything done or suffered under the said enactment;

(*b*) any right, title, obligation or liability already acquired, accrued or incurred under the said enactment or any remedy or proceeding in respect thereof;

(*c*) any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted;

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, legal proceeding or remedy may be instituted or enforced and any such penalty, forfeiture or punishment may be imposed as if such enactment or part thereof had not been repealed; and

(*e*) the operation of the said enactment in relation to areas falling within the Municipal limits of Moreh.

(*2*) Notwithstanding anything contained in sub-section (*1*), all municipalities declared, limits defined, regulations and divisions made, all rules and bye-laws, notifications, orders, appointments and assessments made, licences and notices issued, taxes, tolls, rates and fees imposed or assessed, budgets passed, plans approved, permissions or sanctions granted, contracts entered into, suits instituted and proceedings taken under the Manipur Municipal Act, 1976 in force immediately before the commencement of this Act shall continue to be in force and shall be deemed to have been respectively made, issued, imposed or assessed, passed, approved, granted, entered into, instituted and taken under this Act until new provisions are made or superseded by anything done or any action taken under this Act. Manipur Act 26 of 1976.

Repeal and saving. **231.** (*1*) The Manipur Municipalities Ordinance, 1994 is hereby repealed. Ord. 6 of 1994.

(*2*) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

THE SCHEDULE

(*See* section 36)

1 Urban Planning including Town Planning.

2. Regulation of land use and construction of buildings.

3. Planning for economic and social development.

4. Roads and Bridges.

5. Water supply for domestic, industrial and commercial purposes.

6. Public Health, Sanitation, Conservancy and Solid Waste Management.

7. Fire Services.

8. Urban Forestry, Protection of the Environment and Promotion of ecological aspects.

9. Safeguarding the interests of weaker sections of society including the handicapped and mentally retarded.

10. Slum improvement and upgradation.

11. Urban poverty alleviation.

12. Provision of urban amenities and facilities, such as parks, gardens and playgrounds.

13. Promotion of cultural, educational and aesthetic aspects.

14. Burials and burial-grounds; cremations, cremation-grounds and electric cremations.

15. Cattle pounds, prevention of cruelty to animals.

16. Vital statistics including registration of births and deaths.

17. Public amenities including street lighting, parking lots, bus stops and public conveniences.

18. Regulation of slaughter houses and tanneries.

STATEMENT OF OBJECTS AND REASONS

With a view to implement the provisions of the Constitution (Seventy-fourth Amendment) Act, 1992 in relation to legislation on municipalities in Manipur, the Manipur Municipalities Ordinance, 1994 was promulgated by the President on the 24th May, 1994. This was necessary as the State of Manipur was put under President's Rule by a proclamation made under article 356 of the Constitution by the President on the 31st December, 1993.

2 In Manipur, the Manipur Municipalities Act, 1976 was in existence prior to the promulgation of the Manipur Municipalities Ordinance, 1994. This was necessary with a view to strengthen the set up of local 'self-Government and to bring the law on municipalities in conformity with the Constitutional requirements. Some of the important provisions contained in the aforesaid Ordinance and which are proposed to be incorporated in the new Bill are as follows:—

(i) there are identical provisions for Nagar Panchayats and Manipur Council in the State;

(ii) determination and declaration of an area in transition from rural to urban and constitution of Nagar Panchayats thereof;

(iii) declaration of smaller urban areas and the constitution of Municipal Council thereof;

(iv) composition of Nagar Panchayat and Municipal Council with persons having special knowledge and experience in Municipal Administration;

(v) constitution, powers of the Wards Committees in respect of municipalities having a population of three lakhs or more;

(vi) the reservation of seats for members of the Scheduled Castes and the Scheduled Tribes in the municipalities in proportion to their population in the municipality to the total population;

(vii) the reservation of not less than one-third of the total number of seats (including that of reserved seats) for women;

(viii) the reservation of offices of Chairperson of municipalities for the Scheduled Castes, the Scheduled Tribes and women in the manner to be prescribed by the State Government;

(ix) providing a general disqualification for members of municipalities if a person is disqualified under any law, for the time being in force, for being chosen or as being a member of the Legislative Assembly;

(x) limiting the period of dissolution of a municipality to six months and to treat the vacancies filled subsequent to dissolution as casual vacancies and thus limiting their term only for the

remainder of the period for which the dissolved municipality would have continued had it not been dissolved;

(xi) setting up of State Finance Commission to review the financial position of the municipalities and make recommendation to the Governor on matters relating to municipal finance;

(xii) setting up of State Election Commission for superintendance, direction and conduct of all elections to the municipalities;

(xiii) setting up of District Planning Committee to consolidate the plans prepared by the Panchayats and the municipalities in the district and to prepare a draft development plan for the district as a whole;

(xiv) setting up of Metropolitan Planning Committee to prepare a draft development plan for the Metropolitan area as a whole.

3. Prior to the promulgation of the Ordinance there were seven Municipalities and twenty-one small town committees in Manipur State. The term of all the municipalities and small town committees has already been expired. The functions of these urban local bodies were discharged by the Administrator appointed by the State Government Under section 21 of the Ordinance it has been provided that the terms of the Administrator appointed on or before the 12th day of October, 1993 shall be deemed to have been validly appointed under the Manipur Municipalities Act, 1976 and the term of such Administrator shall cease to have effect on the commencement of the Manipur Municipalities Ordinance, 1994. A provision has been made for appointment of the Administrator for a period of six months all the municipalities in Manipur are constituted.

4. As the House of the People was not in session, the President promulgated the Manipur Municipalities Ordinance, 1994 (Ordinance No. 6 of 1994) on the 24th May, 1994.

5. The Bill seeks to replace the Manipur Municipalities Ordinance, 1994 with a view to enact a comprehensive legislation on municipalities on matters mentioned in para 2 above and to repeal the Manipur Municipalities Act, 1976.

NEW DELHI; SHEILA KAUL

The 1st June, 1994.

Notes on clauses

Clause 2 defines words, terms used in the Bill.

Clause 3 provides for constitution of municipalities and manner of its constitution.

Clause 4 provides for giving effect of excluding local areas from one municipality to the other.

Clause 5 provides for erection and maintenance of boundary marks, defining the limits of the area of every municipality.

Clause 6 provides for incorporation of Nagar Panchayat to be a corporate body.

Clause 7 specifies composition of a Nagar Panchayat and the manner of filling of its seats by direct election and by appointment.

Clause 8 provides for application of certain provisions relating to Council in case of Nagar Panchayat.

Clause 9 provides for having a Chairperson and a Vice-Chairperson for every Nagar Panchayat.

Clause 10 provides for election of Chairperson and Vice-Chairperson in accordance with the rules made by the State Government in this behalf and appointment of a person by the State Government to preside over the meeting.

Clause 11 provides for manner of resignation by Chairperson, Vice-Chairperson, and Councillor and that of its effect.

Clause 12 provides for granting of remuneration or allowances to the Chairperson, Vice-Chairperson and Councillor of a Nagar Panchayat and rules to be made.

Clause 13 provides for incorporation of a Municipal Council to be a corporate body.

Clause 14 provides for vesting of the Municipal administration in the Council or Nagar Panchayat.

Clause 15 specifies composition of a Council and manner of filling up of seats of the Municipal Council.

Clause 16 specifies constitution and composition of Ward Committee in a municipality.

Clause 17 provides for the reservation of seats for Scheduled Castes, Scheduled Tribes and women and office of Chairperson and the proportion in which the seats are to be reserved under rules to be made by the State Government.

Clause 18 authorises State Government for determination of boundary and the delimination of the Wards in a municipality and allocation of seats for Scheduled tribes, Scheduled Castes and women.

Clause 19 specifies the grounds of disqualifications for membership of a municipality.

Clause 20 lays down the need for subscribing oath by a Councillor of a municipality.

Clause 21 empowers the State Government to appoint an administrator for performing the duties and functions of a municipality during the interim period, for a period not exceeding six months. It also provides that an administrator appointed on or before the 12th day of October, 1983 shall continue to hold office till the date of the promulgation of the Manipur Municipalities Ordinance, 1994.

Clause 22 lays down the duration of municipalities.

Clause 23 provides for having a Chairperson and a Vice-Chairperson for every Council.

Clause 24 provides for election of Chairperson of a Council in the first meeting of the Councillors with a stipulated period under rules to be made in this behalf

Clause 25 provides for election of Vice Chairperson of a Council.

Clause 26 provides for the terms of the Chairperson and the Vice-Chairperson.

Clause 27 provides for the filling up of vacancy of any Councillor and his term of office.

Clause 28 provides for the procedure for resignation by Chairperson, Vice-Chairperson and the Councillor.

Clause 29 provides for removal of a Councillor by the Council and also by the State Government.

Clause 30 provides for giving effect of removal of a Councillor.

Clause 31 provides or removal of Chairperson or Vice-Chairperson by the State Government in pursuance of a resolution of the Council.

Clause 32 provides for grant of leave to the Chairperson or Vice-Chairperson of a Nagar Panchayat or a Council.

Clause 33 provides for powers and functions of a Chaiperson of a Nagar Panchayat or a Council.

Clause 34 provides for functions of a Vice-Chairperson of a Nagar Panchayat and Council.

Clause 35 provides for granting of remuneration or allowances of a Chairperson and Vice-Chairperson of a Council.

Clause 36 confers power upon the State Government to entrust functions with the municipalities.

Clause 37 contains obligatory functions of a municipality.

Clause 38 contains special duties of municipality.

Clause 39 contains discretionary functions of a municipality.

Clause 40 provides for management control, etc. of public institutions by the municipality.

Clause 41 provides for appointment of Executive Officer in the municipality or Nagar Panchayat as the case may be.

Clause 42 specifies the main functions of the Executive Officer

Clause 43 provides for appointment of Health Officers, Revenue Officers and Engineer in the municipality.

Clause 44 confers powers upon the Nagar Panchayat or the Council for determination of the strength of its employees subject to the approval of the State Government.

Clause 45 authorises the Nagar Panchayat or a Council as the case may be to appoint its officers and employees in accordance with the bye-laws made in this behalf.

Clause 46 provides for disciplinary action, conditions of service, etc., of the employees of a Nagar Panchayat or a Council.

Clause 47 provides for application of rules relating to gratuity to the employees of a Nagar Panchayat or Council.

Clause 48 provides for rule making powers upon the State Government regarding the service conditions, appointment, functions and duties of the Executive Officers and the other officers and employees of a Nagar Panchayat and Council.

Clause 49 provides for the meeting of the Nagar Panchayat or the Council.

Clause 50 provides for a Chairperson of a meeting of the Nagar Panchayat or the Council.

Clause 51 contains the procedure for taking decision on certain issues in the meeting of Nagar Panchayat and the Council.

Clause 52 provides for quorum and also for adjournment of the meeting in absence of quorum.

Clause 53 stipulates that the minutes of the meeting of a Nagar Panchayat or a Council shall be maintained and forwarded to the Deputy Commissioner, Director and State Government.

Clause 54 provides for the mode of modification and the cancellation of resolution of a Nagar Panchayat or a Council.

Clause 55 provides for attendence of the Deputy Commissioner Director or any officer specified by the State Government in the meeting or the Nagar Panchayat or the Council.

Clause 56 confers powers upon the Nagar Panchayat or the Council to appoint its Standing Committee.

Clause 57 provides for Chairperson of Standing Committee.

Clause 58 provides for liability for the loss, waste or misapplication of funds and property in a Nagar Panchayat or a Council.

Clause 59 specifies disqualification of Councillor of a Nagar Panchayat or Council for having share or interest in contract, lease, etc., to which the Nagar Panchayat or the Council is party.

Clause 60 provides for penalty in case of Councillor or Executive Officer, etc., are having interest in contract etc ; with the Nagar Panchayat or the Council.

Clause 61 provides for disqualification of a Councillor of a Nagar Panchayat or a Council from voting in the meeting.

Clause 62 provides for municipal property of a Nagar Panchayat or a Council and vesting thereof.

Clause 63 provides for the system of transferring the municipal property.

Clause 64 provides for entering into a contract by a Nagar Panchayat or a Council.

Clause 65 provides for manner of transferring of a private road, etc., to a Council or Nagar Panchayat and its repairing.

Clause 66 provides for acquisition of land by the State Government for the purpose of this Act at the request of the Nagar Panchayat or the Council.

Clause 67 provides for formation and custody for municipal fund.

Clause 68 contains the provision for credit of money to the municipal fund.

Clause 69 empowers a Nagar Panchayat or Council to borrow money with the previous sanction of the State Government.

Clause 70 provides for manner of application of municipal property and fund.

Clause 71 contains budget of a Nagar Panchayat or a Council.

Clause 72 provides for maintenance of accounts by a municipality and audit thereof.

Clause 73 provides for constitution of a Finance Commission for reviewing the fund of municipality, etc.

Clause 74 confers power upon State Government to authorise a municipality to levy, collect such taxes, tolls, duties, fees, etc., in accordance with the rules specified.

Clause 75 lays down the subjects on which taxes can be imposed.

Clause 76 deals with tax on government holding.

Clause 77 authorises the State Government to give exemption from tax on certain building or holding.

Clause 78 deals with manner of collection of taxes which is to be provided in the bye-laws.

Clause 79 authorises municipality to determine the valuation of holdings.

Clause 80 requires returns for ascertaining the annual value.

Clause 81 provides for penalty for default in furnishing return and for obstruction of assessor.

Clauses 82 and 83 deal with determination of annual value of holding and rate of tax on such holding.

Clause 84 deals with preparation of assessment register.

Clause 85 authorises assessment and provides for consolidated tax for building.

Clause 86 makes provision for reduction of valuation, its revision and assessment.

Clause 87 makes a provision which requires notice to be given to Chairperson for transfer of title of person liable for payment of tax.

Clause 88 deals with revision of valuation list.

Clause 89 authorises the Municipality to appoint assessor.

Clause 90 makes provision for revision of assessment register.

Clause 91 deals with effect of revision of assessment register.

Clause 92 lays down provision for exemption and remission in certain cases.

Clause 93 provides for powers of assessor.

Clause 94 deals with publication of notice of assessment.

Clause 95 makes a provision for the review of application.

Clause 96 provides for procedure for review of application.

Clause 97 deals with limitation of time for application for review.

Clause 98, 99 and 100 make provision for questioning of assessment, tax not in valid for want of form and procedure for imposing tax and recovery of claims, etc.

Clause 101 makes a provision for recovery from the occupier of tax due from non-resident owner.

Clause 102 provides for recovery from owner of occupter's tax in certain cases.

Clause 103 makes provision for recovery by owner of occupier's tax paid by owner.

Clause 104 deals with the method of recovery by the owner.

Clause 105 files related to penal provision.

Clause 106 authorities municipality to compound with livery stable keepers and other persons keeping carts, etc.

Clause 107 makes a detailed provision with respect to rents, tolls and fees in respect of markets.

Clause 108 is a provision relating to recovery of taxes as arrear of land revenue.

Clause 109 gives the power to the municipality to sell unclaimed holdings for money due.

Clause 110 makes a provision work respect to writing off irrescoverable sums due to Nagar Panchayat or Council.

Clause 111 authorises a Nagar Panchayat Council to make open enlarge, etc., roads.

Clause 112 authorises a Nagar Panchayat or a Council to repair etc. of private road, drain, etc.

Clause 113 provides for prohibition of use of public road by class of animal vehicles or cart.

Clause 114 provides for penalty for encroachment on public road, etc.

Clause 115 provides for use of public road or any place by vendors and other persons and penalty thereof.

Clause 116 empowers the Nagar Panchayat or Council as the case may be to remove obstruction, encroachment, etc., in public road, etc.

Clause 117 provides for procedure when person who erected obstruction cannot be found.

Clause 118 authorise a Nagar Panchayat or Council to remove any projections from building.

Clause 119 empowers the District Magistrate or Sub-Divisional Magistrate to remove encroachment summarily.

Clause 120 provides for giving effect or order made under sections 116, 117, 118 and 119.

Clause 121 authorises a Nagar Panchayat or Council to require the land holder to trim hedges, etc.

Clause 122 provides for penalty for disobeying requisition under section 116, 117, 118 or 119.

Clause 123 provides for naming of public road.

Clause 124 provides erection of building.

Clause 125 provides for special provisions or cases where bye-laws are not made.

Clause 126 empowers the municipality to sanction or refuse the erection of building.

Clause 127 provides for lapse of sanction to erection, etc. of building

Clause 128 provides for penalty for erection of building in contravention of sanction.

Clause 129 provides for powers of Nagar Panchayat or Council to take action in case of disobedience.

Clause 130 provides for the removal of roof, etc., or inflamable material.

Clause 131 empowers the Nagar Panchayat or the Council to attach bracket for lamps.

Clause 132 provides for demolition of building unfit for human habitation.

Clause 133 provides for demolition of repairing dangerous building etc.

Clause 134 provides for requiring the owners to pull down ruins.

Clause 135 provides for penalty for disobeying of requisition under section 133 and 134.

Clause 136 provides for compensation for prohibition or erection or re-erection.

Clause 137 provides for requiring of owners to clear noxious vegetation.

Clause 138 provides for requiring of owners to improve bad drainage.

Clause 139 provides for requiring of unwholesome tanks or private premises to be cleared or drained.

Clause 140 provides for repairing of well tanks.

Clause 141 provides for penalty of disobeying requisition under sections 137, 138, 139 and 140.

Clause 142 confers powers upon the Government to prohibit cultivation, use of manure, or irrigation injurious to health.

Clause 143 provides for providing and maintains public latrines and urinals.

Clause 144 provides for demolition of unauthorised drains leading into public sewer, etc.

Clause 145 provides for penalty for allowing of any sewer, etc. to run on any public road.

Clause 146 provides for requiring owner to drain land.

Clause 147 provides for penalty for disobeying requisition under section 146.

Clause 148 provides for establishment for removal of sewage, offensive matters, etc.

Clause 149 provides for introduction of sewerage scheme

Clause 150 provides for removal of sewage offensive matter.

Clause 151 provides for penalty for placing rubbish on public road.

Clause 152 provides for penalty on occupier for not removing filth.

Clause 153 provides for penalty for throwing offensive matters on road, etc.

Clause 154 provides for powers of servants of a Nagar Panchayat or Council

Clause 155 provides for supply of drinking water.

Clause 156 provides for removal of latrines, etc., near any source of water supply.

Clause 157 provides for preventing of the spread of infectious disease by the owner or occupier.

Clause 158 provides for matter of unauthorised construction, etc.

Clause 159 provides for the matter connected with burial and burning places.

Clause 160 provides for burial of paupers and unclaimed bodies.

Clause 161 provides for burning of corpses, etc., according to religious tenets, of the deceased.

Clause 162 provides for establishment of markets.

Clause 163 provides for power to remove persons from Municipal market.

Clause 164 provides for places for slaughter of animals for sale.

Clause 165 provides for inspection before and after slaughter.

Clause 166 provides for licencing of butcher.

Clause 167 provides for regulation of offensive trade.

Clause 168 provides for regulation of offensives and dangerous trades not to be established within the limits to be fixed by the Council without licence.

Clause 169 provides for cinemas, dramatic performances, circuses, etc.

Clause 170 provides for cancellation, revocation, etc., of licences.

Clause 171 provides for publication of order of refusal, suspension, etc., of licences.

Clause 172 provides for power to close market, tea-stall, etc.

Clause 173 provides for penalty for failure to give information of cholera.

Clause 174 provides for disinfection of building and articles.

Clause 175 provides for penalty for letting infected houses.

Clause 176 provides for power of entry for purpose of preventing spread of disease.

Clause 177 provides for removal to hospital of patients suffering from infectious disease.

Clause 178 provides for places for recreation such as open spaces, parks, playgounds, common swimming pools and amenities by the municipality.

Clause 179 provides for function and power in regard to ponds.

Clause 180 provides for mode of service of notice, bill, form, summon, etc.

Clause 181 confers powers upon the municipality to fix a reasonable time for any act.

Clause 182 provides for mode of service of notice to owner or occupier of land.

Clause 183 provides for procedure for requiring an owner to do a work by the municipality.

Clause 184 provides for preferring objection to the municipality by the owner for his requiring to do the requisition work.

Clause 185 provides for procedure for objection.

Clause 186 provides for making of order by the Chairperson or Vice-Chairperson after hearing objections.

Clause 187 confers power upon the municipality to enter the land when the person fails to execute work.

Clause 188 empowers the municipality to apportion the expenses from the owner and the occupier.

Clause 189 provides for apportionment of expenses incurred by the municipality among owner and occupier.

Clause 190 indicates that occupier may recover cost of works executed at their expenses, from the owner.

Clause 191 confers powers upon the municipaliy to enter upon the houses until sum expended is repaid.

Clause 192 provides for sale of materials of houses pulled down and adjustment of sum incurred out of the sale proceeds.

Clause 193 provides for cognizance of any offence under this Act.

Clause 194 indicates the offences under this Act to be compoundable.

Clause 195 provides for the powers and duties of police in certain offences.

Clause 196 provides for procedure for appeal from order refusing licences.

Clause 197 provides for procedure for appeal from order in other cases.

Clause 198 provides for hearing of appeal after giving the opportunity of being heard.

Clause 199 provides for disputes as to compenation payable by the municipality.

Clause 200 provides for indemnity.

Clause 201 provides for ban of suits in absence of notice.

Clause 202 provides for empowering of the Deputy Commissioner or Director by the State Government in certain function of municipality.

Clause 203 confers powers upon the State Government to suspend execution of any order or resolution of the municipality.

Clause 204 confers powers upon the State Government to direct the municipality to perform certain duties.

Clause 205 confers power upon the State Government to dissolve a Nagar Panchayat or a Council after giving opportunity of being heard.

Clause 206 provides for consequence of dissolution of a Nagar Panchayat or a Council.

Clause 207 provides for a decision of disputes between local authorities.

Clause 208 makes a provision with regard to power of the State Government to make rule.

Clause 209 lays down power of the municipality to frame bye-laws for carrying out the provisions of this Act.

Clause 210 specifies additional power of the Nagar Panchayat or Council to frame bye-laws in hill areas.

Clause 211 requires confirmation of the bye-laws by the State Government.

Clause 212 makes provision for publication of those bye-laws.

Clause 213 makes provision for model bye-laws in order to bring in uniformity throughout the State.

Clause 214 stipulates validity of acts and porceedings for technical reasons.

Clause 215 makes provision for election petitions.

Clause 216 authorises the State Government to make rules for election and election petition.

Clause 217 puts bar of jurisdiction of Civil Courts in election matters.

Clause 218 contains provisions relating to election to the municipalities and vests all elections relating to municipalities in the State Election Commission constituted under section 98 of the Manipur Panchayati Raj Act, 1994.

Clause 219 contains provisions for preparation of electoral roll, its revision, etc., for a municipal area.

Clause 220 lays down conditions for registration as a voter.

Clause 221 empowers the State Government with the power to remove difficulties in giving effect to the provisions of the Act.

Clause 222 gives overriding effect to the provisions of this Act in certain cases.

Clause 223 provides for mode of proof of municipal record and fee for certified copy, etc.

Clause 224 puts a restriction on summoning of municipal servants to produce documents.

Clause 225 provides for penalty for violation of the provisions of the Act.

Clause 226 declares Councillor and every officer or servant of the municipality as public servants for the purposes of the Act.

Clause 227 makes a detailed provision and provides for District Planning Committee and the prepartion of daft development plan by the said Committee.

Clause 228 lays down for Committee for Metropolitan Planning for the Metropolitan area.

Clause 229 makes provision for delegation of powers by the State Government.

Clause 230 repeals the Manipur Municipalities Act, 1976 and provides for saving of all the acts and omissions done thereunder.

Clause 231 provides for repeal and saving of the Manipur Municipalities Ordinance, 1994.

FINANCIAL MEMORANDUM

Article 243 K of the Constitution of India inserted by the (Seventy-third Amendment) Act, 1992 provides for setting up of State Election Commission for each State consisting of a State Election Commissioner to be appointed by the Governor for the purpose of conducting election to the Panchayats and Municipalities. As per the Constitutional provisions necessary provisions have been made in the Manipur Panchayati Raj Act, 1994 and a similar provision is proposed to be made in the present Bill. For preparation of electoral rolls and conduct of elections all Municipal Councils and Nagar Panchayats, a sum of approximately thirty lakh rupees will be spent from the Consolidated Fund of the State, as and when elections are held under the provisions of the Bill.

Clause 74 of the Bill provides for Grant-in-aid to the Municipalities from the Consolidated Fund of the State. A sum of approximately twenty lakh rupees per annum will be required to be earmarked as Grant-in-aid to the seven Municipal Councils and twenty Nagar Panchayats to meet the establishment expenses and for municipal services.

No additional expenditure will be involved except what has been explained above, if the present Bill is enacted.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The powers to make rules to carry out the provisions of the Bill are contained in several provisions of the Bill. This is necessary in view of the subject matter of the Bill. Some of the more important provisions of the Bill empowering to make rules are in clauses 10, 12, 16, 17, 18, 19, 20; 24; 30; 35, 48; 71, 72; 83, 93, 94, 107, 142, 150; 174; 178; 208; 209; 210; 211; 213; 215; 216; 218; 219 and 227. There are also certain provisions empowering the Government to issue notifications. Some of the more important of these provisions are sub-clause (3) of clause 1 clause 2, 3, 4, 7, 11, 15, 16, 17, 22, 28, 31, 36; 55; 62; 74; 77; 86; 179; 220; 228 and 229.

The matters in respect of which the rules may be made or the notifications may be issued under the aforementioned provisions relate to administrative detail and procedure. The delegation of legislative power is, therefore, of normal character.

Clause 221 of the Bill empowers the Government to remove by order any difficulty which may arise in giving effect to the provisions of this legislation. This is by way of abundant caution and for covering difficulties which it is not practicable to visualise in view of the voluminous and complicated nature of the subject matter of the Bill.

***Memorandum** explaining the modifications contained in the Bill to replace the Manipur Municipalities Ordinance, 1994*

The Manipur Municipalites Bill, 1994 which seeks to repeal and replace the Manipur Municipalities Ordinance, 1994 proposes to make the following modifications in the provisions contained in the said Ordinance—

1. In sub-clause (2) of clause 1 for the words "any area" the words "the Hill areas" shall be substituted.

2. It is also proposed to modify clause 208(3) of the Bill so as to provide that every rule made under the proposed legislation shall be laid after it is made before the Legislative Assembly of Manipur in place of House of the People

3. In the proviso to sub clause (1) of clause 230 a new item (e) is added to clarify that the repealed Act shall continue in the Municipal areas of Moreh